

MINUTES
ENVIRONMENTAL POLICY ADVISORY COMMITTEE
NOVEMBER 19, 2012

A meeting of the Environmental Policy Advisory Committee (EPAC) was convened on Monday, November 19, 2012, at 3:00 p.m., in the Pueblo County Department of Planning and Development Conference Room, 229 West 12th Street. Acting Chair Kester called the meeting to order at approximately 3:05 p.m.

ROLL CALL

Those members present were:

Susan Finzel-Aldred
Doris Kester
Emily Lockard
Ted Lopez
Charles B. Pelto (3:30 p.m.)
Chad Wolgram

Members absent were: None.

Guests present: Greg Styduhar, Pueblo Area Council of Governments' (PACOG) Attorney and Connie King, Environmental Attorney, representing Pueblo West Metropolitan District.

Staff present was: Joan Armstrong, Sandra Smith, and Jeff Woeber.

PACOG 208 WATER QUALITY MANAGEMENT PLAN (WQMP) – J. WOEBER, PLANNER II,
PUEBLO COUNTY DEPARTMENT OF PLANNING AND DEVELOPMENT

Mr. Woeber summarized the WQMP, which was e-mailed to the members on October 25, 2012 for their review. He stated the existing Plan was written in 1993 with final adoption in September 1994, noting a current plan was certainly due. He stated other councils of government within the State have designated funds to write and administer WQMPs, noting PACOG has no staff or money specifically dedicated to water quality planning. The Pueblo County Planning and Development Department processes the Colorado Department of Public Health and Environment's (CDPHE) site applications, which are applications for proposals for wastewater treatment facilities and related infrastructure and improvements. These site applications require a review and recommendation of approval by a given area's water quality management agency, which is currently either the City of Pueblo or Pueblo County and the water quality planning agency, which is PACOG. The new Plan will also address designating the Pueblo West Metropolitan District and the Colorado City Metropolitan District as management agencies. CDPHE monitors the permitting for wastewater discharges, treatment works, and collection agencies, but PACOG is financially and staff constrained and only reviews the site applications for consistency with the WQMP. This largely explains why the current Plan has not been updated for many years. There was little change to the service areas and capacities for the wastewater service providers for most of that time. There are now considerable differences in a lot of the technical data and requirements from what they were in the early 1990s. He noted PACOG was eligible for grant funds, called 604(b) funds, which come from U.S. Environmental Protection Agency (EPA) money and are processed and administered by the CDPHE Water Quality Control Division, generally in the amount of \$12,000 to \$13,000 per year. The first year, PACOG was able to hire a consultant to update the Plan. The consultant's name was Mr. Russell Clayshulte. Mr. Clayshulte administered the Denver Regional Council of Governments' (DRCOG) WQMP for many years. He is also the current Administrator/Manager of the Bear Creek Water and Wastewater District near Morrison and has

vast experience in water quality regulations, planning and plan documents, and a close working relationship with all the relevant staff for the Water Quality Control Division in Denver. There was no other consultant PACOG could find with the amount of expertise at an affordable price. PACOG hopes to retain his services to work on the wastewater utility plans, which are the next step in this process. Mr. Woeber stated the Plan was a good document for PACOG and staff, noting the State also indicated it was a good, workable document. He stated staff is recommending EPAC forward a recommendation of approval to PACOG. In August, 2011, the Pueblo West Metropolitan District (PWMD) was appointed by PACOG as a Management Agency with conditions. PWMD had some points of contention. In December, 2011, PACOG reversed its decision and put PWMD back as an Operating Agency. PACOG then approved the Plan, and PWMD was still not in agreement. The next step was to take the Plan to the State Water Quality Control Commission, who held a hearing to consider adoption of the Plan, and PWMD expressed its opposition to not being designated as a Management Agency; therefore, the State Water Quality Control Commission tabled the matter until such time as the PWMD and PACOG could resolve their issues. Through the spring and summer, PACOG staff and PWMD attempted to resolve the matter. In that time, the Colorado City Metropolitan District (CCMD) expressed their interest in becoming a management agency. PWMD was not in agreement with a policy statement regarding the Pueblo Reservoir; in particular to a sentence stating that discharges to Pueblo Reservoir should be avoided. Recently, the CDHPE staff informed them that some of PACOG's allocated water quality planning funds could be used to hire a mediator to resolve the policy statement issue. PACOG staff and PWMD attended one-day mediation in mid-October and drafted a policy statement that was acceptable to PACOG and PWMD. Mr. Woeber stated PWMD still needs to take the updated Plan with the policy statement to its Board of Directors for approval. It will then go back to PACOG for its approval, and then back to the State Water Quality Control Commission for final consideration. Once that is done, the next step would be to write utility plans for each of the six utility providers.

Ms. Armstrong stated the PWMD Board is meeting on Tuesday, November 27th and PACOG will meet on December 6th.

Discussion ensued. Acting Chair Kester questioned the difference between a Management Agency and an Operating Agency. Mr. Woeber replied a Management Agency has more responsibilities for implementing the Plan and is eligible for more funding. Acting Chair Kester stated that PWMD was originally an Operating Agency and now they would be a Management Agency. Mr. Woeber replied yes. Ms. Finzel-Aldred questioned if CCMD accepted the Plan as written. Mr. Woeber replied yes, noting they also wanted to be designated as a Management Agency. He stated CCMD is much smaller than PWMD and doesn't have the issue of discharging into the Pueblo Reservoir. Ms. Finzel-Aldred questioned the waterway CCMD currently uses for discharge. Mr. Woeber replied the Graneros Creek, noting the Plan wouldn't change their current discharge point. Mr. Lopez questioned the point of contention with the Managing Agency over Operating Agency. Mr. Woeber replied it gives them more control. Mr. Lopez asked if the PWMD Board would approve the proposed Plan. Ms. King replied it was their intent to do so. Mr. Styduhar stated he understood there were members in PACOG that had some concerns with regard to the application, and at the same time PWMD applied for a Management Agency. Some PACOG members wanted a policy statement that would address the issue in light of the fact that PWMD could potentially get the management agency status. The reason the issue landed in mediation was to try to determine how the Plan could provide the designation of Management Agency status for PWMD, but also address the issue of discharges into Pueblo water. Pueblo West was pursuing construction of the Wildhorse Reuse Pipeline Project, as a result of the settlement agreement, it was determined they would pursue that project rather than pursuing the pumpback project into the Pueblo Reservoir. The

Management Agency designation for PWMD was in Mr. Clayshulte's original 208 Plan draft. However, PACOG later changed it in a follow-up draft and put PWMD back as an Operating Agency. PWMD was not in agreement because they felt they already conducted all of the responsibilities of a Management Agency. CCMD heard what was going on and realized they also conducted those duties, and they requested the same Management Agency designation. In the midst of all of this discussion, the policy draft was written and the policy draft was the focus of the mediation discussion. The Plan before the Committee was the result of those discussions.

Mr. Lopez asked for an explanation of the Wildhorse Reuse Pipeline Project. Ms. King stated it is a pipeline that would be installed downstream from where Pueblo West currently discharges to Wildhorse Creek and after the discharge occurs, this pipeline would take the water out of Wildhorse Creek and pipe the water right above the confluence of Wildhorse Creek and Arkansas River basins. The purpose is to prevent loss of water rights so that Pueblo West will get greater credit for their return of water to the Arkansas River. She stated the project was moving forward, noting construction would start next year, and the expected completion date was the end of 2013 or early 2014.

Acting Chair Kester asked if the contention was settled at the mediation. Ms. King replied yes; it was settled at mediation, noting they would all like to move forward. Mr. Styduhar stated that when there is mediation neither side wins, and both sides had to give and take. He felt a resolution was reached; however, the final document still needs to be approved by all interested parties. Mr. Lopez recalled that EPAC had no problem with the discharge into the Reservoir based on the promise that the water quality discharge was going to be well monitored. Acting Chair Kester asked if the main point of contention was whether the discharge would go to the Arkansas River or Pueblo Reservoir. Mr. Styduhar and Ms. King replied yes. Acting Chair Kester asked if it now goes into the Arkansas River. Mr. Styduhar replied the settlement agreement is that Pueblo West would pursue the Wildhorse Reuse Pipeline Project rather than discharging into the Pueblo Reservoir. Acting Chair Kester stated the discharge would then go into the river below the dam. Mr. Styduhar replied yes.

Mr. Lopez questioned how the proposed Plan would impact the Colorado Springs runoff. Mr. Woeber replied if a wastewater discharger wants to do any improvements or upgrades or wants to build a new facility, they need to apply for a State Site Application, which is reviewed by PACOG with the consistency to the Plan. Mr. Lopez asked if the majority of the Plan consisted of wastewater and stormwater runoff. Mr. Styduhar replied that having a complete understanding of the whole 208 planning process allows for a better understanding of PACOGs 208 Plan. His understanding is that the State wants to take this water quality management planning process to a more watershed-based approach. Meaning, it would focus more on not just the geographic cut out, but on the watershed as well as incorporate the planning process into that perspective rather than what it is now, which is a geographic area like Pueblo County and a planning agency that is designated for the development of the WQMP. The Plan, as it is now, addresses only the operating agencies and operating agencies within the County. It's hard for the Plan to address the upstream users in more detail until the State goes forward with the watershed basin approach. He asked Ms. King if she agreed. Ms. King replied she agreed, stating it was logical the State wants to change the process to a watershed-based approach because discharges upstream of Pueblo County discharge into the Arkansas River that water flows down and may or may not impact the water quality in Pueblo County. It's the same for discharges from El Paso County that flow into Pueblo County. A watershed-approach makes more sense from a scientific basis. Ms. Finzel-Aldred stated there is an upstream affect, but there is also a downstream affect to Fowler and La Junta, noting they are trying to make the

WQMP based on the larger communities. Ms. King stated this is why Kansas was involved in the issues formulation hearing for the Arkansas River basin because everything flows into Kansas. Acting Chair Kester stated this agreement doesn't address the water coming down the Fountain from El Paso County it only addresses the Pueblo Reservoir in Pueblo West. Mr. Lopez stated it actually is for planning within Pueblo County with the focus on Highway 47 to the Arkansas River. Mr. Styduhar replied yes. Mr. Woeber stated any wastewater discharger upstream would be subject to site applications from their county. Mr. Styduhar stated that was the nature of the 208 planning process which is indirectly set up by the Governor and ultimately by the EPA.

Ms. Finzel-Aldred stated she attended the City Stormwater Advisory Committee meeting last month, noting it was discussed the State may be moving toward requiring some of the smaller entities to have a MS4 permit in the near future, i.e., the Colorado State Fair, Pueblo Community College, and CSU-Pueblo. Currently, they are all under the City's MS4 permit. She noted the Plan only listed three MS4 permit holders, i.e., Pueblo West, Pueblo County, and Pueblo City. She wanted all to know that there could be some other entities that will need an MS4 in the future. Mr. Styduhar stated if that were to occur there would be a consideration amending the Plan to include those entities. Ms. Finzel-Aldred stated a lot of changes have happened since 1994 and stormwater can change quickly. She questioned how long the Plan would remain in effect, asking if it was a five-year plan. Mr. Woeber replied they had not put a term date on the Plan. He stated Mr. Clayshulte indicated the utility plans could be updated separate from the 208 Plan, which is something that would be updated as needed. Mr. Lopez thought it stated in the document that it would have a review in five years, but not for the entire Plan just certain portions.

Mr. Wolgram stated the septic system regulations will be changing next year, noting the State would be revising a State-wide regulation. It may have some local impact. When the regulations are adopted, all homes with septic systems will need to be inspected prior to sale to make sure they are up to code. It's an effort to capture the older systems along the Fountain Creek and Arkansas River. Mr. Pelto questioned if they would be regulating small cabins that use primitive outhouses. Mr. Wolgram stated outhouses were already in the regulations as not allowable. Mr. Pelto stated it would be difficult to force people under these circumstances to meet that code. Mr. Wolgram stated the revision to the regulations has not been approved, and public hearings would be held for public input.

Ms. Armstrong stated the purpose of this meeting was to get comments and a recommendation of approval from EPAC to PACOG for the 208 Plan update as presented. Mr. Pelto questioned how many residences would be affected by this regulation. Mr. Styduhar asked what regulation. Mr. Pelto replied the regulation that you couldn't have an outhouse. Ms. Armstrong stated the "outhouse" regulation was not being discussed as part of the Plan, it was merely a comment made by Mr. Wolgram of issues upcoming. Mr. Pelto felt the issue was of significant importance throughout the State of Colorado and wondered why it wasn't being addressed. He stated the area has a lot of high mountain residences that are living in primitive circumstances and questioned the requirement to bring each of them to current standards of a metropolitan area. He stated there would be many upset people if they were required to put in a septic system in the high mountain ranges. Ms. Finzel-Aldred stated they didn't know what the standards would be for the revised regulations regarding the septic systems and that Mr. Pelto was assuming they would have to be to urban standards. She expressed to Mr. Pelto that she had mentioned stormwater might be changing and Mr. Wolgram mentioned the septic system regulations might be changing, but since nothing has officially been drafted, they didn't know what those changes would be. She stated the Plan may need to be amended accordingly. Mr. Pelto stated

language needed to be in the Plan to make sure they describe to the lawmakers and Commissioners involved with the development of the Plan so they would know exactly what they are going to be up against regarding the population. Not just the high mountains but also the ranchers to the east. Mr. Styduhar stated the scope of the WQMP doesn't address the individual septic systems, noting this is where the conversation has veered from the topic of the Plan we have before the Committee. He stated the Plan only lists the stormwater permit holders and that Mr. Wolgram only brought up the issue of septic systems in a generalized statement. Mr. Pelto questioned the circumstances for those that don't have a septic system and how this State-wide water quality control would affect them. Mr. Styduhar replied the 208 WQMP does not address that issue. If there are problems with potential regulations regarding septic systems or non-septic systems, it will be addressed by the division of the legislatures. The 208 WQMP is not the mechanism for ISDS. Mr. Pelto asked if the 208 WQMP was a State-wide mechanism. Ms. Finzel-Aldred stated it was for Pueblo County. Mr. Pelto stated water quality and stormwater encompasses the entire State. Ms. Finzel-Aldred replied point taken. Mr. Lopez stated the document brought before EPAC for its review points out 29% of Pueblo County has septic tanks, noting there have been no problems with contamination. Mr. Pelto stated from what he has heard so far, the Plan does not address the situations where people are not on a municipal water treatment of some sort or septic systems and questioned if there was data indicating how many people in Pueblo County were in this situation. Mr. Lopez stated from his point of view, he felt it would be insignificant. Mr. Pelto was offended that he was referred to as being insignificant. Mr. Lopez stated he felt that the problem of having an outhouse within a small geographic area that could promote groundwater contamination was insignificant, noting there was at least one neighborhood (Salt Creek) in the 1970s that was able to solve the problem with grants to get their own sanitation system. He wondered if the Department of Local Affairs (DOLA) would be a source that could provide septic systems for small communities. Mr. Pelto stated that would work for those individuals that live in remote areas away from any municipal or septic system. Mr. Lopez stated that was a situation that was outside what they needed to review. Mr. Pelto stated the fact of the matter is not resolved. He wanted to know what happens to an individual who cannot access a municipal system nor has a septic system. If the Plan doesn't address this particular issue, then there is a hole in the Plan.

Ms. Finzel-Aldred stated the table on page 29 indicates that Colorado City Metropolitan District and the Town of Rye are planning a plant expansion in 2018. She wondered if they have already begun construction. Mr. Woeber replied CCMD and the Town of Rye did consolidate and have already done their expansion. He stated that Mr. Clayshulte had spoke with all of the entities, noting there is such little growth for that area, he couldn't imagine they would need much more. Ms. Finzel-Aldred noted that in 2025 the City of Pueblo may need to expand. Mr. Woeber replied that the individual utility plans are more specific, and can be updated independently of the 208 WQMP. Ms. Finzel-Aldred stated she likes that the Plan showed future expansion and the sustainability. Mr. Pelto asked if there was a representative from Colorado City or Rye at the table. Seeing none, he questioned if anyone had talked with those entities, including Beulah, with regard to the Plan. Mr. Woeber replied that Mr. Clayshulte had extensive talks and meetings with all of the entities including the wastewater agencies, noting he didn't have any documentation to prove his statement. Mr. Pelto requested copies of documents to any communication between the parties. He stated he would like to forward them to make sure they were aware of what was going on. Mr. Styduhar mentioned that a member of PACOG was from Colorado City. Mr. Pelto stated he had been censored from PACOG because he called them out for having a meeting last month where somebody told them absolute lies, and when he brought it up he was disavowed. He stated just because there is someone on PACOG involved, he couldn't be certain they have been alerted to the situation going on around them.

Ms. King commented on the draft document, Page 22, Table 4. She stated under No. 2 Pueblo County, PWMD is listed. PWMD is then listed separately as No. 3. She stated it is the same with Colorado City. Mr. Woeber stated that Management Agencies are also Operating Agencies. Ms. King stated she didn't think that was true otherwise Pueblo City would be listed under Pueblo City and Pueblo County would be listed under Pueblo County. Mr. Styduhar stated it looked like Table 4 listed those Operating Agencies within a geographic region. No. 1, City of Pueblo, designates five different Operating Agencies. Acting Chair Kester stated then PWMD and CCMD should be taken out of the list for Pueblo County and left as separate entities as No. 3 and No. 4, respectively. Mr. Styduhar stated the request is to strike PWMD and CCMD from the Pueblo County listing since they now stand alone as a Management Agency. Ms. King also requested the title boxes for Nos. 3 and 4 be shaded the same as the title boxes for Nos. 1 and 2. Ms. Finzel-Aldred questioned if they were listed in any specific order like size of entity. Mr. Woeber replied they were not in any particular order. Mr. Pelto questioned if Colorado City, Rye, and Beulah would be labeled as separate governmental entities responsible for their own area. Mr. Styduhar replied no. Mr. Woeber stated Beulah doesn't have central wastewater service. Ms. Armstrong replied the Town of Rye is under Pueblo County, and Colorado City Metropolitan District is listed as its own Management Agency. Mr. Styduhar stated a Management Agency status does not bestow separate authority, noting they are a Management Agency under the greater Planning Agency which is PACOG. For purposes of the WQMP, they are a Management Agency, with that designation recognizing they have unique qualities; however, as far as water quality management goes, any decision has to go to the Planning Agency as well. Mr. Pelto asked which PACOG is. Mr. Styduhar replied PACOG is the Planning Agency. Mr. Pelto asked if those entities have been informed. Mr. Styduhar replied yes. Ms. Finzel-Aldred stated the developer of the Plan talked with the different agencies and they contributed to the Plan. Mr. Lopez questioned the lack of funds and how the Plan would be updated. Mr. Woeber stated they plan to use the 604(b) grant money, which comes in every year. Acting Chair Kester stated the question before Committee is whether EPAC would recommend approval to PACOG. Mr. Woeber replied yes. Ms. Armstrong stated the motion needs to be with the revisions per Ms. King.

Mr. Lopez motioned EPAC forward a recommendation of approval to PACOG with the revisions as discussed. Ms. Finzel-Aldred seconded the motion.

Discussion ensued. Mr. Pelto asked when PACOG met to take action on the WQMP. Mr. Lopez replied December 6th. Mr. Pelto stated he would like to see documentation of approval from Colorado City, Beulah, and Rye.

After discussion, the motion carried 5-1 with Mr. Pelto voting against the motion.

Mr. Pelto suggested forwarding a copy of the minutes with attachments to Colorado City, Beulah, and Rye. Mr. Styduhar thanked the members for gathering on such short notice and considering the Plan. As a community advisory board to PACOG, it's really important that PACOG consider these comments. It's an extension of the public hearing they will be holding on December 6th. These comments provided by EPAC along with all of the citizen comments are very important. Mr. Lopez asked if PWMD was considering the change from the mediation agreement next Tuesday. Ms. King stated they will be considering approval of the change. Ms. Finzel-Aldred questioned if the Plan would be accepted at the December 6th PACOG meeting or if there would be more discussion. Mr. Styduhar stated it's staff's intent for PACOG to approve the Plan. Mr. Pelto questioned what would happen to the Plan if it was not adopted by the Metropolitan Districts, some other outlying area, or an individual resident. Mr. Styduhar replied

that was a good question, but raised several complex legal questions. He stated Ms. King and he have communicated in depth for the last year, noting his question could not, in any way, be answered in a short amount of time.

APPROVAL OF MINUTES FROM THE FEBRUARY 3, 2011; APRIL 7, 2011; JUNE 2, 2011; AUGUST 4, 2011; OCTOBER 6, 2011; DECEMBER 1, 2011; FEBRUARY 2, 2012; APRIL 5, 2012; JUNE 7, 2012; AND AUGUST 2, 2012 MEETINGS

Mr. Lopez motioned to approve the minutes from the February 3, 2011; April 7, 2011; June 2, 2011; August 4, 2011; October 6, 2011; December 1, 2011; February 2, 2012; April 5, 2012; June 7, 2012; and August 2, 2012. Mr. Wolgram seconded the motion. Motion carried unanimously.

CHAIR'S REPORT – ACTING CHAIR, DORIS KESTER

Acting Chair Kester stated she was on the committee that interviewed possible candidates for City Manager and each one of them spoke about recycling and waste management. She was optimistic they may be able to move forward with some of those projects. She had no idea who might be selected, but they were all in favor of recycling and trying to bring the area's waste management up to the 21st Century. Ms. Finzel-Aldred questioned when the decision would be made. Acting Chair Kester replied by next week.

ELECTION OF OFFICERS

Mr. Lopez nominated Ms. Kester as Chair. Mr. Pelto seconded the nomination. Mr. Pelto nominated Mr. Lopez as Chair. Ms. Finzel-Aldred seconded the motion.

Discussions occurred on how and who they could get as members for EPAC.

Mr. Pelto suggested that whoever loses the election of chair shall become Vice-Chair. The members agreed.

EPAC members voted unanimously for Ms. Kester as Chair. Mr. Lopez accepted the position of Vice-Chair.

ENVIRONMENTAL COORDINATOR REPORT – SUSAN FINZEL-ALDRED

Ms. Finzel-Aldred stated last Thursday was America Recycles Day. There was an event last Saturday at C&C Disposal Transfer station. She stated the transfer station is open Monday-Friday and some Saturdays for free drop-off recycling of all items, i.e., plastic, glass, cardboard, aluminum, tin cans, news papers, phone books, etc. She noted they also have the curbside service.

Ms. Finzel-Aldred stated this past week was paint recycling week. They had about 20 people come in daily taking advantage of the four gallons of paint drop-off for free and only \$1.00 for every gallon thereafter. They received a lot more E-waste than expected.

Ms. Finzel-Aldred reported the kids that won the poster contest met with the County Commissioners and City Council. The winning artwork is on the billboard on Union Avenue across from the library.

Ms. Finzel-Aldred noted the recycle hotline was ringing a lot, and she has funding from the City for the EC program. There will be funding from the Board of County Commissioners (BOCC) as well, which will subsidize education and County cleanups for Avondale, Salt Creek, and Pueblo West.

Mr. Lopez asked about Ms. Kedward. Ms. Finzel-Aldred replied she has taken a position as the Recycling Coordinator for Dakota County in Minnesota, and has been there since September 1st. She's doing great, noting they e-mail and share information regularly. She's in a town called Apple Valley.

Ms. Finzel-Aldred stated the Christmas Tree Recycling drop-off would be January 5-9 hosted by Vision Recycled Aggregate. Free mulch would be available for pick-up January 21st.

Mr. Lopez questioned if the landfill will still offer two free drop-offs in 2013. Ms. Finzel-Aldred replied yes. Mr. Lopez stated he missed the October 2012 event. Ms. Finzel-Aldred stated they had about 450 cars attend, noting they would have the event again in May and October 2013. There would also be a Household Hazardous Waste collection in May 2013.

*Note: Detailed written reports regarding EC activities for September and October will be sent to EPAC members through e-mail.

WATER QUALITY SUBCOMMITTEE – C. PELTO

No report.

SOLID WASTE SUBCOMMITTEE – T. LOPEZ

No report.

AGENDA FEBRUARY 7, 2013

The next regularly scheduled EPAC meeting is Thursday, February 7, 2013, at 229 West 12th Street, from 5:15 p.m. to 6:30 p.m.

ADJOURNMENT

There being no further business before EPAC, the meeting was adjourned at 4:30 p.m.

Respectfully submitted,



Sandra M. Smith
EPAC Recording Secretary

SMS