

MINUTES
ENVIRONMENTAL POLICY ADVISORY COMMITTEE
AUGUST 1, 2013

A meeting of the Environmental Policy Advisory Committee (EPAC) was convened on Thursday, August 1, 2013, at 5:15 p.m., in the Pueblo County Department of Planning and Development Conference Room, 229 West 12th Street. Chair Kester called the meeting to order at 5:20 p.m.

ROLL CALL

Those members present were:

Susan Finzel-Aldred
Lois Illick
Doris Kester
Ted Lopez

Members absent were: Betty Alt (excused); Gene Michael; and Chad Wolgram (excused).

Guest present: Nancy Keller, City of Pueblo Wastewater Department.

Staff present was: Sandy Blanco.

APPROVAL OF MINUTES FROM THE JUNE 6, 2013 MEETING

Due to the lack of a quorum, the minutes from the June 6, 2013 meeting could not be approved.

CHAIR'S REPORT – DORIS KESTER

Chair Kester reported she didn't attend the PACOG meeting and doesn't know what decision was made by the Water Quality Control Commission. She attended the Sustainability Conference, noting Commissioner Hart thinks they should look at the water quality on the Fountain Creek as he's very concerned about the selenium. She suggested they invite him to the next EPAC meeting. Mr. Lopez stated when PACOG first discussed the Pueblo Reservoir, Chlorophyll a, and the St. Charles River, the County Commissioners were against making any changes. They accepted the five micrograms per liter for the Pueblo Reservoir, but didn't state what their issue was with the St. Charles River. He first heard about selenium when he was on City Council, noting at that time there was concern about natural drainage. Ms. Finzel-Aldred stated she talked to Commissioner Hart at Sustainable Pueblo in July, noting he felt EPAC had been bombarded by two different sets of data and weren't given all the information they needed to make a decision. It's her understanding they can't pick a number and split it, noting it has to have scientific research and data and is why they kept it at five. Mr. Lopez stated Pueblo West wanted to establish a scientific study specifically for Pueblo Reservoir, and five was the general number for 28 other lakes. Ms. Finzel-Aldred stated they made their best effort based on the information and guidance they had.

Ms. Keller stated they're trying to do what's best for the area and can choose a different number if they have a basis. The five wasn't based on Pueblo Reservoir and ten was a protective number until studies could be done. The number doesn't have to be based on science, noting neither of the two are science based numbers for the Pueblo Reservoir. The Commission went with five because it was the default number and a judgment call. Some people agreed with Pueblo and some people agreed with Pueblo West. The only concern was violations and how they would be handled. If they have sufficient violations it could be listed as impaired by the Colorado Department of Public Health and Environment. Ms. Illick stated they were pushed and

hurried to make a recommendation to PACOG, noting the process didn't work for them and they don't feel bad about it. Chair Kester questioned if the Division of Wildlife had asked for eight, and Ms. Keller replied yes. Mr. Lopez stated they had plenty of time and information, noting the first time was a little bit difficult, but the second time was easier. The representatives from Pueblo West stated several times if the five was adopted and they had sufficient violations and became impaired, everybody would have to use the chlorine treatment which is expensive. The Board of Water Works pointed out it was expensive, noting it didn't make sense to go with the tighter standard and risk the possibility of being impaired.

Ms. Illick stated she talked to a water specialist from CSU Extension who indicated Dr. Scott Herman at CSU-Pueblo has a lot of data on Lake Pueblo that hasn't been published. She questioned if that was something they needed to look into. Mr. Lopez replied yes, noting it could point towards a clearer number for Pueblo Reservoir. When a designation is done, they have five years to present evidence on whether or not it's the correct one. Ms. Keller stated it's very difficult to move it up because once a standard is set they're allowing an impairment of the use to let it go to a higher number. They don't typically allow numbers to go up without a huge amount of data to prove that it's usable. CSU-Pueblo probably has a lot of data if they decide to look at it, noting they need to make sure the method used was approved by the Health Department. There's data out there that may not have the appropriate method. Chair Kester questioned if it was five before. Ms. Keller replied it didn't have a regulated number, noting Chlorophyll *a* is the new standard that was applied. The State Health Department proposed they adopt the designation of a drinking water supply, but didn't propose a number. The only way a number would get adopted is through the request of a user, and the Board of Water Works requested it.

ENVIRONMENTAL COORDINATOR REPORT – SUSAN FINZEL-ALDRED

Ms. Finzel-Aldred reported they had two main clean-ups in June: the Eastside Clean-up on June 1st and the Blende-Salt Creek Clean-up on June 15th. The Colorado Department of Public Health and Environment, Solid Waste and Hazard Materials Division, hosted their Regional Stakeholders meeting at the Health Department. They distributed information on landfills and electronic waste recycling and had about 50 people from all over Southern Colorado. The Litter Bee was presented at the Children's Museum, Beulah Mountain Park, and various day camps. The Sustainability Roundtable was held on June 21st, noting she served on the committee that prepared the City's Full-Service Trash and Recycling Plan. Some amendments were made and presented to City Council on June 24th, noting the majority were not in favor of the districting and franchise concept for trash collection. They directed the City staff to investigate the possibility of a mandatory trash ordinance with more requirements on the waste haulers business license. She's been working on the Solid Waste Assistance Program and has seven dumpsters out to residents in the City and County. Ms. Illick questioned the program. Ms. Finzel-Aldred replied there are residents who receive tickets for violations of solid waste on their property with no financial means. She's been working with a couple of hoarders and people that had waste on the outside of their house. The volume of Recycle Hotline calls jumped up in July. On July 1st, Senate Bill 12133 went into effect banning landfill disposal of electronic waste from households. The ban had already been in place for businesses, industry, and government agencies. The Pueblo Chieftain did some good coverage and she's been promoting all of the media that was sent by the State Health Department.

Ms. Finzel-Aldred stated the Recycling, Resources, Economic Opportunity Grant (RREO) funds are being allocated this year, noting they're beginning rebates for 2013-2014 to cities and communities that have public drop-off collection sites. It was extended through some great

lobbying efforts, noting the money is being earmarked through 2017. The 2013-2014 RREO grant winners were announced and the local one is Clean Valley Recycling, a co-op in La Junta, Swink, and Rocky Ford. They were awarded funds to set up drop-off sites, noting We Recycle of Pueblo is going to be handling and hauling their materials. She's working on two large properties that were given roll-offs for hoarding and accumulation of waste 20 to 30 years in the making. Mr. Lopez questioned how violators are found. Ms. Finzel-Aldred replied through complaints and drive-bys. She was on KOAA News a week ago talking about the illegal dumping at the public recycling pedestrian stations. The illegal dumping has become a burden on the City Parks Department who has to pick it up. The trash isn't being placed in the containers and it's not in the contract the City has with the collection company. The stations are being perceived as drop-off centers when they're clearly a pedestrian service. The police are stepping up their watch so they will see what happens. The State Fair education booth will be up for the duration of the fair and will offer information on pollution prevention, stormwater runoff, and recycling. She has three clean-ups coming in September: Avondale on the 14th, Hyde Park and the West Side on the 21st, and Pueblo West on the 28th.

WATER QUALITY SUBCOMMITTEE – NANCY KELLER

Ms. Keller distributed a report with the primary changes that impact the different segments. The main thing done at the basin hearing was implementing basic temperature standards that had already been adopted by the State, noting they're State standards that are applied to individual segments. A lot of changes had to be made on the temperature standards and the lakes had to be separated from the streams because they had different standards. They also adopted the phosphorous and Chlorophyll *a* numbers that need to be applied to all the segments, noting they're only applied upstream of dischargers.

Ms. Illick asked Ms. Keller for clarification on segments and dischargers. Ms. Keller replied dischargers are anybody permitted through the State. It could be a wastewater plant, a gravel pit, or a steel mill. Any permitted release into the river would be a discharge. Segments were made by the State when they divided up the rivers into specific designated areas and applied standards. The State adopted nutrient standards including phosphorous and Chlorophyll *a*, noting they started applying them in each segment and only apply them upstream of dischargers. They adopted the selenium ambient standards for the Middle Arkansas Segment 4A, which is the main portion of Wildhorse; Segment 4E, which is the Golf Course Wash that drains off of Pueblo West; and Segment 4G, which is Pesthouse Gulch that comes down across Highway 50 and connects with Wildhorse. They segmented the mainstream of the St. Charles River, noting the upper portion doesn't have Pierre Shale and the selenium and sulfate are very low until they reach the Pierre Shale area where the Comanche Power Plant is located. The irrigation begins before it reaches the mouth of the Arkansas River and it's the only irrigation in the segment so it doesn't affect the natural ambient based number. Turkey Creek is the same, noting they adopted the selenium standards. Valco, Runyon, and Fountain Lake are in a segment with a water supply classification. They were moved into a segment by themselves so the appropriate temperature standards could be applied along with the water supply. They need to identify for the next hearing if any water supply can be documented, noting it's questionable if there's a water supply use. Ms. Finzel-Aldred questioned if the water supply was drinking water, and Ms. Keller replied yes. Mr. Lopez stated it's the same designation as the Pueblo Reservoir. Ms. Keller stated they need to research if there are any wells to see if it's an appropriate designation. Mr. Lopez questioned the Pueblo Reservoir and the direct use water supply. Ms. Keller replied there's a pipe in the Pueblo Reservoir. Mr. Lopez questioned if the direct use would apply to the other lakes. Ms. Keller replied no, noting it's a different designation. The water supply classification states the groundwater could have a hydrological

link that's seeping out of the pond and into an area of a well, which could influence the drinking water. Mr. Lopez questioned if the water was seeping in from the river. Ms. Keller replied a fair amount of Valco's Ponds are seepage, noting they're the old gravel pits. The water from Runyon Lake and Fountain Creek is from cooling water for the plant on Elizabeth and runs down the HARP, into the ponds, and back to the Arkansas River. Chair Kester questioned if there was seepage in there too, noting it's so close to the river. Ms. Keller replied it's river and stormwater that hasn't been studied. Mr. Lopez stated along the Arkansas River from the south end of the bluffs there's seepage, but he doesn't know where it comes from. Ms. Finzel-Aldred questioned what the lakes by the steel mill were. Ms. Keller replied a fair amount of flow is Salt Creek, which is the intake water coming in for the steel mill, noting it's their cooling and process water that goes out through the ponds and into the Arkansas River below Pueblo's Wastewater Plant.

Ms. Keller stated Fountain Creek Segment 2A is a long segment that runs from the confluence with Monument Creek in Colorado Springs all the way to Highway 47. It has been studied and modeled and the amount of selenium that's due to irrigation has been documented. The groundwater in the river bed is low in selenium, but just outside of the river bed in the Pierre Shale the groundwater is 900 to 1,100 micrograms per liter. The Commission didn't agree to split it into two segments, noting they would rather have more studies done and determine the exact points. They set a number and a place where they sample the number to tell if it's impaired or not. She can bring the studies and go over them if they want to see them at some point. The Arkansas/Fountain Coalition of Urban River Evaluation (AFCURE) is a fairly new group that was formed. The Pikes Peak Area Council of Governments has been working with them. They are a group of people from all different entities that want to work together on funding, sampling, and monitoring of the rivers to get them appropriately assessed. They want to look at the data, analyze it, and take it to the hearings and Division when there's decisions to be made. Ms. Illick questioned if they were an independent group. Ms. Keller replied it's a coalition and includes Colorado Springs, the City of Pueblo Wastewater Division, Fountain Sanitation, the Lower Fountain Metropolitan District, Security, Pueblo West, and Cherokee. Ms. Finzel-Aldred questioned what Cherokee was. Ms. Keller replied it's a small wastewater plant on Chico Creek. They're developing a watershed plan for monitoring and will fund it as a group and get better data so appropriate decisions can be made. Mr. Lopez questioned if Fountain Creek starts near Monument and comes down under I-25 by the Marriott Hotel, and Ms. Keller replied yes. Mr. Lopez questioned why they didn't include Monument Creek on the segment of Fountain Creek. Ms. Keller replied Monument itself is another segment, noting there are a few others that are also separate.

Ms. Illick questioned how AFCURE relates to the Fountain Creek Watershed. Ms. Keller replied the South Platte River Coalition of Urban River Evaluation (SPCURE) is in the South Platte River and a lot of the wastewater entities have joined that group to do coordinated monitoring. The Fountain Creek is in between Pueblo and Colorado Springs, noting they have Widefield, Fountain, Security, Colorado Springs, and Pueblo all out there sampling, sometimes at the same time and at the same points. By developing this group they can each monitor different locations, use the same methods and put them into a data sharing network, which is a Statewide database, that can be accessed by everybody. Ms. Finzel-Aldred questioned if the USGS was included. Ms. Keller replied the U.S. Geological Survey (USGS) does most of the monitoring for Colorado Springs so they're not included as an individual. They could be hired to do the sampling as a group or they could each individually do sampling and use the same methods. Ms. Finzel-Aldred questioned if the USGS was already collecting the data in the tributaries. Ms. Keller replied the USGS collects whatever data they are paid to collect, noting they don't do their own. They find entities that are willing to cooperate with them in a study and

fund 50% of the study, noting the entity working with them pays the other 50%. AFCURE is a group that PACOG could be involved with, noting they wrote their name into the Intergovernmental Agreement so that could be an option to them. Ms. Illick stated with the database it's a much clearer picture of the entire process if they can understand the data. Ms. Keller stated the Commission wants AFCURE to go out and collect more data and work with the Division to try and get the segments appropriately divided based on actual data. Ms. Illick questioned if Woodland Park was included. Ms. Keller replied Woodland Park, Monument, and the Tri Lakes.

Mr. Lopez questioned when the next triennial review would be held. Ms. Keller replied the State does it every five years, noting in 2018 they will have another Arkansas River Basin Hearing. In 2016, they will have the Issue Scoping Hearing where they can take any potential issues, then in 2017, the Informational Hearing, which decides what issues would be dealt with, and then the actual hearing in 2018. Ms. Illick questioned if the hearing that was just held was the final hearing, and Ms. Keller replied yes. Mr. Lopez questioned if the last five year hearing was held in 2008. Ms. Keller replied it was held in 2007, noting the nutrients were such a big issue they added an additional hearing that delayed all the hearings one year. Ms. Finzel-Aldred questioned if the last segment was 1A. Ms. Keller replied yes, noting it's from the confluence to the Colorado Canal, just below Avondale. It's the segment their wastewater plant discharges into and the Commission adopted a variation of the temperature standard. They have warm and cold water standards during the winter to allow the fish to go through the proper reproductive cycle. In warm water streams the fish typically reproduce in the summer so it's not as critical in warm water streams as it is in cold water streams. In cold water streams they reproduce in the winter and need to have the right temperatures for their young to hatch and develop.

Mr. Lopez stated they will be ready for these hearings every three years. Ms. Keller stated they will also be doing site applications for facilities like the Pueblo Wastewater Plant that has to start adding treatment. Chair Kester questioned if the stormwater in Pueblo flows directly into the river, and Ms. Keller replied yes. They have a State control regulation that requires all sources of nitrogen to be addressed so some of the stormwater may have to go through a wetland before it's discharged. Ms. Illick questioned if nitrogen wasn't part of the regulations until 2017 due to the agriculture. Ms. Keller replied agriculture isn't controlled under the Clean Water Act, noting it's actually specifically exempted from the Clean Water Act. The State can't do regulations or anything to control agriculture. They may provide money for sprinklers or to do some sort of best management practice. There are some regulations coming out that deal with how they're going to handle nitrogen. The biggest incentive for agriculture is money. There are some real differences of opinion as to how much is due to agriculture and how much is due to run-off from cattle. The large cattle feeding organizations are under a permit and have requirements. Another way to get farms or agriculture cleaned up is through trading. Ms. Illick questioned if it was done downstream, and Ms. Keller replied yes. Chair Kester asked Ms. Keller if she could come to the next EPAC meeting. Ms. Keller replied yes, if Mr. Michaels doesn't. They modeled and specifically identified one percent of the source of selenium in Fountain Creek from Highway 47 to the confluence, noting one percent is due to agriculture from the confluence to the Colorado Canal, and 6% in the Arkansas River due to agriculture. They have wells in the City of Pueblo that were over 7,000 micrograms per liter, noting it's in the shale. There's a lot of selenium in the area, along with sulfate, which intends to inhibit the uptake of selenium so they don't see deformities in the fish. Ms. Finzel-Aldred questioned if it was natural sulfate or sulfate they were adding. Ms. Keller replied the sulfate is coming from the shale. If they would like a tour of the plant they could see what the process looks like, noting it's more impressive than what most people realize.

Chair Kester questioned if there was still a lot of influence on the quality of the water coming into the facility from detergents. Ms. Keller replied yes, the phosphates. A lot of the soaps have gone to non-phosphates, but most people don't like them so they don't buy them. They buy the soaps that have phosphates because they clean better.

SOLID WASTE SUBCOMMITTEE – T. LOPEZ

Mr. Lopez stated with respect to the public recycling pedestrian stations, the intent was to clean-up the streets. He doesn't think the former City Manager really understood what the consequences were going to be. It also speaks to the fact of the need for a recycling facility. The greatest education needs to be done with City Council, noting they have no clue of what's going on. At the meeting on June 24th, there was a vote taken on supporting the amendments with 2.5 votes in favor. The others were worried about jobs. Recycling is going nowhere in Pueblo with the current leadership they have. Ms. Finzel-Aldred stated she attended the Town Hall meeting and five people stood up and said they wanted safer streets for their kids who ride their bikes in the mornings, along with the trash trucks. A lot of people from Aberdeen stood up and talked about derelict properties. Mr. Nawrocki and Ms. Daff had a cordial and polite discourse and disagreed about the plan that was put forth by Public Works. Mr. Lopez stated they can pass all the ordinances they want, but if they don't have the right leaders nothing is going to happen.

AGENDA OCTOBER 3, 2013

Chair Kester stated she would contact Commissioner Hart and invite him to the next meeting, along with Ms. Keller.

The next regularly scheduled EPAC meeting is Thursday, October 3, 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 6:50 p.m.

Respectfully submitted,



Sandy Blanco
EPAC Recording Secretary

SJB