

MINUTES
ENVIRONMENTAL POLICY ADVISORY COMMITTEE
October 3, 2013

A meeting of the Environmental Policy Advisory Committee (EPAC) was convened on Thursday, October 3, 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 5:16 p.m.

ROLL CALL

Those members present were:

Betty Alt	Ted Lopez (arrived at 5:45)
Susan Finzel-Aldred	Gene Michael
Lois Illick	Chad Wolgram
Doris Kester	

Members absent were: None.

Guests present: Nancy Keller, City of Pueblo Wastewater Department; and Dan Kogovsek, Pueblo City Attorney.

Staff present was: Sandy Blanco.

APPROVAL OF MINUTES FROM THE JUNE 6, 2013 AND AUGUST 1, 2013 MEETINGS

Ms. Illick moved to approve the minutes from the June 6, 2013 and August 1, 2013 meetings. Ms. Finzel-Aldred seconded the motion. The motion carried unanimously.

CHAIR'S REPORT – DORIS KESTER

Chair Kester reported she didn't have a Chair's Report.

ENVIRONMENTAL COORDINATOR REPORT – SUSAN FINZEL-ALDRED

Ms. Finzel-Aldred distributed the PCCHD Environmental Coordinator's Reports for August and September, 2013. She stated in August she did anti-litter presentations at the Buell Children's Museum, and some back to school recycling rallies at Fountain Magnet and Heritage Elementary Schools. She spent time getting ready for the Stormwater Education Booth at the Colorado State Fair, noting they estimated about 1,400 people stopped by the booth over ten days. A lot of time was spent preparing and planning for the clean-ups in September. She attended a lot of meetings and received an incredible amount of calls to the Recycle Hotline. They had over 80 calls in July and 60 in August. In September, she had three neighborhood clean-ups. They started with the Avondale Clean-up on September 14th, noting they had a lower turnout because they shifted to doing clean-up in vacant areas and litter patrol. They collected over 250 tires from the Cossel Ranch and had a lot of community involvement with ten volunteers. The following Saturday was the Hyde Park/Westside Clean-Up on September 21st. The participation dropped a little, but she had a good partnership with Dolores Huerta Prep High School. The Municipal Court Graffiti Program stepped up the week before and picked up loads of couches, mattresses, and over 200 tires. The last clean-up was for Pueblo West on September 28th, noting they had a great turnout with 86 people, 90 loads of trash, and not too many tires. They had good help from the Pueblo West Women's League and partnered with the Colorado Department of Corrections Youth Offenders Program throughout the clean-ups. The Full Service Trash and Recycling Plan that's being proposed by the City is still taking place,

noting they're getting some help from the City Attorney's Office to understand the legality of the mandatory trash ordinance and the possibility of increasing the requirements on the haulers to obtain a license. Mr. Wayne McKee from Waste Management, who does the Pueblo Shrine Club paper recycling bins, notified her that they're ceasing their contract after ten years. There are over 40 bins that won't be available after December. The bins at the north and south King Soopers will remain because they're in contract with the King Soopers Corporation. Ms. Alt questioned why they were ceasing their contract. Ms. Finzel-Aldred replied the market, noting they were structured as a five-year contract with five additional one-year options to renew and chose not to based on the market and the distance. It was also a charity donation from Waste Management to the Shrine Club each month as part of their national partnership.

Ms. Finzel-Aldred stated October is a busy month and distributed flyers and post cards. The first event is on Saturday, October 5th, at Albertson's on the north side. There will be a Free Shredding Event to benefit the Pueblo Rape Crisis Services that's being hosted by Pueblo Crime Stoppers. The following weekend is the free Fall Clean-Up Day at the landfill, noting the event is open to City residents under a contract arrangement between the City and Waste Connections. October 26th is the National Prescription Drug Take Back Day. The Drug Enforcement Administration (DEA) spearheads this event and contacts local law enforcement to get it going. Chair Kester questioned if they only take prescription drugs or any kind of drugs like aspirin. Ms. Finzel-Aldred replied they accept over-the-counter medication and prescription drugs as well. They don't accept any medical waste, needles, or syringes.

WATER QUALITY SUBCOMMITTEE – GENE MICHAEL

Mr. Michael reported they have a number of things going on right now, noting the biggest is 303D of the Clean Water Act. They are trying to list waters that are impaired or waters that are not meeting their retained uses. It's an exercise that states go through every other year and the first part is to develop the criteria they want to use in a given year. It goes beyond comparison to the numerical standards and have to look at things like biological assessments. The Environmental Protection Agency (EPA) just released an entire set of guidelines on instances where they might have natural sources of pollutants that don't qualify the water as being impaired. It's a fairly complicated process and the State is going to start having stakeholder meetings so they can decide what the rules are going to be and they'll be classifying the various streams as to whether or not they're impaired. Three of the major topics they want to cover are implementation methods for narrative nutrient standards, the implementation criteria for temperature, and discussion on whether or not they need numeric criteria for nutrients. Nutrients are going to be the name of the game for the next ten years in water quality.

Mr. Michael distributed three news releases. The first one is about an effort that's underway nationally to reduce or control the use of flushable products that go down the toilet like baby wipes. They don't break apart as easily as toilet paper and have an increase in the number of sewer blockages. The National Association of Clean Water Agencies (NACWA) is working with the manufacturers to put notations on the cartons advising people how to dispose of them properly. The second news release has to do with a lawsuit that just got settled nationally on Chesapeake Bay. Most of the nutrients in the nation's surface waters come from non-point sources, specifically agricultural sources. The Clean Water Act of 1972 contained an exemption on controls from agricultural activities and the courts decided that Chesapeake Bay receives a lot of nutrients from many states, and over the past decade, several of them pointed out that they controlled their point-sources and went to almost zero discharge on nutrients. Chesapeake Bay is being overwhelmed by nutrient sources and they're coming from non-point sources including agriculture, run-off from national forest lands, and the application of fertilizers from

laws. The courts indicated when the states put together their TMDL's, they must also consider non-point sources and not focus on point sources. The third release pertains to another court ruling having to do with the Mississippi River. There was a lawsuit filed by some environmentalist organizations against the EPA trying to force them to set numeric criteria for nutrients in the Mississippi River Basin. The EPA hadn't done that because of the non-point source issue, noting it's the source of most of the nutrients, but legally, they don't have a strong foundation for controlling non-point sources. The environmentalist groups sued them and the courts indicated they weren't going to order them to put numeric limits in place, but to make a decision as to whether or not numeric criteria are necessary. If they don't have numeric criteria they can have narrative criteria, which is what Colorado has right now and states that materials of such nature and of such concentrations can't be discharged into waterways in a manner that creates a nuisance. The nuisance they're looking at is a growth of algae in water resources, which can produce bad odors when they die and decay. They can also have adverse effects on drinking water supplies, which is why the Board of Water Works was so up in arms about the Chlorophyll *a* criteria a few months ago. If the EPA determines that numeric criteria are necessary, all fifty states will have to develop specific numeric criteria for nitrogen and phosphorous and apply them as if they were conventional stream standards. If they determine that numeric criteria aren't necessary, the narrative criteria are okay. Ms. Illick questioned if there would be possible legal situations with some states if they went with the narrative criteria. Mr. Michael replied yes, noting the people further downstream would have greater problems because they accumulate as they go. The State Health Department is presently working on a sediment guidance, noting sediment isn't considered to be a conventional pollutant because they don't have numeric standards for it. At the same time, it's one of the biggest factors that affects the attainment of aquatic life uses and Fountain Creek is a perfect example. The State Health Department is trying to make the sediment guidance consistent with the aquatic life guidance so that any stream that has an aquatic life classification would have some sort of sediment guidance applied to it as well, which is very positive. Ms. Illick questioned the timeline on the State Health Department guidance. Ms. Keller replied it was set yesterday and they hope to have it to the Commission for approval by next October. Right now, it only applies to mountain streams, noting they're going to add in all the other streams and lakes so it's huge.

Mr. Michael stated they have the Colorado Monitoring Framework, which is a network of stakeholders Statewide that are trying to collect water quality data. They are currently working on selecting a water quality model for use in the State of Colorado, which would be used to determine site specific standards or predicting attainment under different situations. One of the benefits of having a model is that everybody knows what the rules are. They know what specific parameters they need to collect data for in order to feed the data into the model. AFCURE, a local organization within the Arkansas River Watershed, is putting their water quality monitoring network in place. They are trying to get everyone to buy into a single monitoring plan so they're all getting consistent parameters on a consistent schedule at known locations, so the same site isn't being monitored by five different people. The data will then be put into a single standardized State database, noting the data would be available to everyone whenever water quality issue comes up. Right now, the State isn't putting their data into the State database. Ms. Illick questioned if the USGS would be putting data into the State database, and Ms. Keller replied most of their data is included. Mr. Michael stated the rule-making standard on the basic standards will be coming up in 2017. Prior to that, they have an issue scoping session and then they go into a series of stakeholder negotiations with the State to try and figure out what they're going to recommend, noting it's a three year process that's getting underway. The State Health Department is working on converting the existing system of temporary modifications into a discharger specific variance, which is identified in the Clean Water Act of 1972, and for unknown reasons, the State of Colorado decided not to go that way. They applied the system

of temporary modifications, noting if a river segment isn't attaining its designated uses, they'll assign a temporary modification. They have a plan moving forward for determining what the sources of impairment are and how those sources can be corrected. The EPA has never really liked the system because it's not consistent with the Federal rules, and Colorado is in the process of converting that over. The City of Pueblo will need to apply for one of those. They presently have temporary modifications for selenium and sulfate that applied to Segment 1A of the lower Arkansas River, noting when the new rules comes into place they'll have to convert to the dischargers of specific variance for those two substances. They will probably hold the first set of hearings in December, 2014. There will be issues moving through this Committee and the 208 Committee within the next year, noting they need to make their application for the sites through a discharger specific variance. They will have to go through the 208 process, have a finding of consistency, and go through the whole regulatory hearing. Ms. Keller attended the last meeting on his behalf, and questioned if there would be any interest in having them put together a brief presentation on how the water quality system works in terms of classifications, establishing standards, and how they do the hearing processes. Chair Kester replied yes. Ms. Finzel-Aldred stated if they're going to have to make some educated decisions about the 208 process and provide comments to PACOG, they probably should do a little homework.

SOLID WASTE SUBCOMMITTEE – T. LOPEZ

Mr. Lopez stated he's an accountant for a Homeowners Association (HOA), noting they had a meeting last Tuesday and one of the items they discussed pertained to a single hauler contract for recycling. He received positive response from the HOA members, noting they're going forward with it using the same criteria that the City used. Ms. Illick questioned if it was in the City or the County. Mr. Lopez replied in the City, noting Public Works should do a pilot project. Ms. Illick questioned if the issue came up at the annual meeting or if it was a decision of the Board. Mr. Lopez replied it was presented as a general meeting item where he handed out the City's survey and got positive feedback from the people that were in attendance. The Board doesn't need approval from the HOA, noting it's already in the covenants. They will probably have their annual meeting within the next two months.

Chair Kester asked Mr. Kogovsek if he had any comments for the Committee. Mr. Kogovsek replied he was there in support of the water quality issues, and to support his fellow colleague from City government.

Ms. Illick questioned why Commissioner Hart wasn't there. Chair Kester replied he's out-of-town, but she invited him to the meeting. Ms. Illick questioned if they needed to have a special meeting. Mr. Lopez stated Commissioner Hart had questions and made comments on the discussion that took place earlier in the year. Chair Kester stated he's concerned about the selenium content in the Fountain Creek. She will invite him to the December meeting unless they feel a need to talk to him sooner. Ms. Finzel-Aldred suggested they have a special meeting the first week in November. Mr. Lopez stated they should contact Commissioner Hart to find out what his availability is and let the members know with a first and second choice to arrive at a consensus. Chair Kester stated she would call Commissioner Hart to see when he was available and would let the members know.

AGENDA DECEMBER 5, 2013

The next regularly scheduled EPAC meeting is Thursday, December 5, 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 5:55 p.m.

Respectfully submitted,

A handwritten signature in blue ink that reads "Sandy Blanco". The signature is written in a cursive style with a large initial 'S'.

Sandy Blanco
EPAC Recording Secretary

SJB