

MINUTES
ENVIRONMENTAL POLICY ADVISORY COMMITTEE
OCTOBER 6, 2016

A meeting of the Environmental Policy Advisory Committee (EPAC) was convened on Thursday, October 6, 2016, at 5:15 p.m., in the Pueblo County Department of Planning and Development Conference Room, 229 West 12th Street. Vice Chair Lopez called the meeting to order at 5:30 p.m.

ROLL CALL

Those members present were:

Susan Finzel-Aldred
Gail Conners
Richard Hubler

Nancy Keller
Ted Lopez

Members absent--Sherie Caffey (excused); Becky Cortese (excused); Doris Kester; and Chad Wolgram.

Guests present--Gabe Racz, Vranesh and Raisch, LLP; Justine Shepherd, Vranesh and Raisch, LLP; Suzanne M. Pargee, GEI Consultants, Inc.; Christine Johnston, Xcel Energy; and Ashley R. Valdez, Xcel Energy.

Staff present was: Sandy Blanco, EPAC Recording Secretary.

APPROVAL OF MINUTES FROM AUGUST 4, 2016 MEETING

Ms. Keller moved to approve the minutes of the August 4, 2016 meeting. Ms. Conners seconded the motion. The motion carried unanimously.

CHAIR'S REPORT - DORIS KESTER

There was no report given.

ENVIRONMENTAL COORDINATOR (EC) REPORT - SUSAN FINZEL-ALDRED

Ms. Finzel-Aldred read her Pueblo City-County Health Department Environmental Coordinator's Report for August 2016, and September 2016, into the record, which is attached as Exhibit A.

Acting Chairman Lopez stated Ms. Finzel-Aldred made a presentation to PACOG on a Recycling Resource Economic Opportunities Grant (RREO). He distributed minutes from the August 25, 2016 PACOG meeting where the presentation was made. There was a favorable response from Mr. Terry Hart, the City Council, and Mr. Greg Styduhar, County Attorney. Mr. Hart made a motion that staff look at the grant application and provide a resolution at the September meeting, which PACOG approved to move forward.

Ms. Finzel-Aldred stated they presented an Executive Summary on the RREO Grant Fund Application, which she distributed. The details covered who would manage the project if they won the grant, noting it came down to Mr. Chris Markuson, the County's GIS Coordinator and Economic Development Director. Acting Chairman Lopez stated there was a positive response, noting this would be the first step in solving problems. He asked Ms. Finzel-Aldred if she assisted in the preparation of the grant application. Ms. Finzel-Aldred replied yes, noting she did a lot of work. Mr. Hubler questioned who would file the application. Ms. Finzel-Aldred replied PACOG. They are trying to figure out the budget, noting they have to work with the Public Works

Department, private haulers, and the landfill. Acting Chairman Lopez questioned the reference to the waste haulers. Ms. Finzel-Aldred replied they have to be willing to work with the consultant. They have to do an inventory, create a baseline of what opportunities exist for recycling and reuse, and whether a non-profit, government agency, or private sector would be doing it. They would then do the waste audit, which would sample a large volume of waste from the landfill and sort it by item. Acting Chairman Lopez stated the focus should be on getting data on what type of waste is generated. Ms. Conner questioned the baseline. Ms. Finzel-Aldred replied it's a visional plan on how to move forward on reducing the waste going to the landfill and increasing the diversion rate. They don't know what the diversion rate is, noting they have to do the waste audit and hold stakeholder meetings to figure out who's going to cooperate and how they can move forward.

Mr. Hubler questioned the Solid Waste Assistance Program (SWAP). Ms. Finzel-Aldred replied a dumpster is provided based on financial need, expenses, and employment. They provide one 30-yard or one 20-yard dumpster based on what needs to be removed.

Acting Chairman Lopez questioned Creek Week and the section of the Fountain Creek. Ms. Finzel-Aldred replied they worked from CSU-Pueblo through University Park and the entire quarter of Fountain Creek all the way to the confluence. Acting Chairman Lopez questioned future events. Ms. Finzel-Aldred replied America Recycles Day is November 15, 2016, noting she would be doing a lot of promotion and the kids' video would be running on public television and public access. There are no funds for the huge collection event this year, and Christmas Tree Recycling starts January 4, 2017. Acting Chairman Lopez questioned the annual dump day. Ms. Finzel-Aldred replied the discount day at the landfill is October 15, 2016. The cost is \$4 a car, noting the citizens can drop off furniture, mattresses, and any legal solid waste. No tires or hazardous materials would be accepted and trailers get 40% off the posted gate rate. The City-County Health Department is heavily involved with the re-entry and mitigation of Beulah Hill fire. They are dealing with water testing on wells, removing food that's been unrefrigerated for over four days, wildlife, septic tank issues, and services such as water, electricity, and air quality.

WATER QUALITY SUBCOMMITTEE - NANCY KELLER

- Temporary Modification Hearing for Sulfate

Mr. Gabe Racz with Vranesh and Raisch introduced Justine Shepherd, also with Vranesh and Raisch, noting they represent Pueblo and the Public Service Company. Ms. Suzanne Pargee with GEI Consultants introduced herself, along with Christine Johnston from Xcel Energy Public Service Company, and Ashley Valdez, Area Manager for Southern Colorado Xcel Energy.

Mr. Racz stated the City of Pueblo has a proposal for resolving an existing temporary modification to the sulfate standard for the Lower Arkansas Segment 1A. This is a temporary modification that has been in place for nearly twenty years. The sulfate standard is an ambient based standard and sulfate in Colorado is a standard based on the water supply use. The City had GEI Consultants do a study on the water supply use from the Arkansas River.

Ms. Pargee distributed Exhibit 16-City of Pueblo, and slides, which are attached as Exhibit B. She stated Pueblo's proposal for the temporary modification hearing is to revise the boundary between Segments 1A and 1B, and to remove the water supply use from the revised Segment 1A. This would result in removing the water supply related standards and revising some of the other standards in the segment. They investigated drinking water wells in Segment 1A. Acting Chairman Lopez questioned the definition of water supply use. Mr. Racz replied domestic water use, which is the use in homes or municipal use, which was set up by the Water Quality Control Commission. Ms. Pargee stated they did a data search on the Division of Water Resources site

to identify any wells in the area, and any well permits that were issued. The Water Quality Control Commission laid out specific criteria to help determine if they were connected to the surface water or the alluvium. After evaluating the well permits, they came up with 16 permitted wells that were identified as having a potential connection to the Lower Arkansas River. The Pueblo staff contacted the well permittees or the homeowners associated with the wells and asked a series of questions. They were trying to determine if the wells were being used for indoor purposes or had other uses such as irrigation or livestock water. After all the permittees were contacted, they ended up with one well that was confirmed as water supply use near Avondale. Two other wells above the St. Charles River were confirmed as water supply use, but when they investigated the exact location, they were over 200 feet from the river and not classified as wells that would be drawing surface water from the Arkansas River. Mr. Racz stated the current boundary is downstream of Avondale at the Colorado Canal head gate and they're proposing to move the boundary upstream a couple of miles to Avondale at the Collier Ditch. Ms. Pargee stated that would put the new segment break upstream of the well that's using the river as a water supply. All of the remaining wells they identified upstream didn't have any kind of connection to the river. In the revised Segment 1A, the proposal would be to remove the water supply standards because there's no water supply use. It would include modifying standards such as chloride, nitrate, sulfate, dissolved iron, and dissolved manganese. There are a few more standards that would be modified, noting they would still be protecting aquatic life. There are currently no aquatic life standards for sulfate in Colorado, or any national criteria for sulfate. A few states have developed criteria and adopted them, noting they looked at their standards and applied them to the segment to have a reference point. The standards incorporated hardness and chloride as well to calculate what level of sulfate is protective. They had data from four sites on Segment 1A from 2010 to 2016, and they used the sulfate hardness and chloride data to calculate what the predicted sulfate standard would be. Based on the water quality, there wouldn't be any exceedances of the standard so aquatic life should be protected. Mr. Racz stated the observed concentrations are lower than what would be needed to protect aquatic life so Pueblo is proposing no standard because it wouldn't be necessary.

Acting Chairman Lopez questioned the need for the study. Ms. Keller replied the State standard for drinking water is 250 milligrams per liter for sulfate and the ambient standard is 328 and they usually run 500, which is higher. It wasn't causing any harm to the aquatic life and sulfate is a secondary standard. It isn't a standard for drinking water that was set to keep the water from being good or bad, but more of a taste issue. It isn't a health issue, noting the proposal is to remove the standard, which would eliminate Pueblo from paying a lot of money to remove sulfate from the discharge when it's not impacting anything. Acting Chairman Lopez stated if the wells were beyond the distance, any increase in sulfate wouldn't impact the wells. Ms. Keller stated there's not a hydrological connection between them, noting it's the State standard. Ms. Conners questioned if there would be a significant charge for treatment. Ms. Keller replied yes, noting reverse osmosis would cost \$120 million to install and \$10 to \$12 million per year for maintenance. They are spending \$30 million to line the sewers for the infiltration of selenium over ten years, which has significantly raised the wastewater cost. Acting Chairman Lopez questioned if the City had a deadline for meeting the standard. Ms. Keller replied not yet, noting they have a temporary modification which allows a stay on the standard and gives them time to study it. The temporary modification ends in December and their commitment to the State was to look at the study and determine if the standard could be removed. If they can't come to some agreements, they might be able to get another temporary modification to take the next step. Acting Chairman Lopez questioned if there was a review every three years on the water quality standards. Ms. Keller replied every five years. Acting Chairman Lopez questioned if the presentation in December was the first of four steps. Ms. Keller replied the Arkansas River Basin has three hearings. The first one is the Issue Scoping Hearing, which is this October, then the Issue Formulation Hearing, which is next October, and then the actual Rulemaking Hearing which is in June, 2018. The Basin Issue Scoping Hearing is to get everybody's ideas on the table as to

what needs to be addressed. The temporary modification only has one hearing and they're held every two years. They look at every temporary modification that's going to expire Statewide and make rulings on each one of them. Their temporary modification expires in June, 2017. Mr. Racz stated Pueblo is asking the Commission to change the standards at the December hearing, which is the final action. They are here to make sure PACOG is informed as the 208 Planning Agency with the opportunity to comment. Mr. Hubler questioned the standard for the temporary modification. Ms. Keller replied 329. Mr. Hubler questioned the ambient standard of 250 and the actual discharge of 500. Ms. Keller replied the water quality standard that's applied Statewide is 250, and they discharge at 500. Mr. Racz stated 250 is the default standard the State has for taste, and 329 is the background from the shale, noting the discharge is sometimes higher than that. Ms. Keller stated 329 is based on the entire segment and they're close to the beginning of the segment so it includes testing the entire segment. Mr. Hubler questioned if it was getting better or worse. Ms. Keller replied it's pretty consistent, noting when they start the lining for the selenium they will see improvements. As they keep the groundwater out, they'll be keeping sulfate and selenium out. They will see a number of segments come up in the next few years that will be looking at the same process. Mr. Hubler questioned where the extra sulfate was coming from. Ms. Keller replied from the Pierre Shale. Acting Chairman Lopez questioned if they would meet the standard. Ms. Keller replied yes, noting they have very little industrial sources. The ones that fall under the pre-treatment program aren't allowed to discharge high sulfate.

Ms. Conners asked Ms. Keller for the status on the sanitary sewer lines. Ms. Keller replied they're just starting. Ms. Conners questioned when they were scheduled to start. Ms. Keller replied they would be starting next week on the 2016 projects. Ms. Conners asked if it would reduce the selenium and sulfate. Ms. Keller replied yes, noting they're both high in the groundwater. Mr. Hubler asked who the sulfate industries were that had pre-treatment plans. Ms. Keller replied KMG, who are taking in chemicals and purifying them, and Vestas, noting they're picking up infiltration in their lines. Ms. Conners questioned if they would have the opportunity to submit updated results at the December hearing. Ms. Keller replied the small portion they're lining wasn't enough to show a huge difference. They decided to do the manholes and the lines at the same time starting with the major projects. They are doing another study for selenium in another area, noting they would do a year of monitoring and next spring they would line the area. They also have groundwater wells in the area with stormwater monitoring. Mr. Racz stated they don't want Pueblo to spend a lot of money to indirectly add selenium to the stream.

Acting Chairman Lopez asked Ms. Keller what happens after the December hearing. Ms. Keller replied the sulfate would be done and the water quality standard would be eliminated. They have committed to work with the State to develop an aquatic life standard in Colorado, noting they wouldn't have to treat sulfate, but would continue on with the variance process for selenium. Acting Chairman Lopez questioned how long the modification would be valid for. Mr. Racz replied they're requesting a permanent change to the standard, noting the Commission reviews every five years. Acting Chairman Lopez stated if accepted then it could be permanent. Ms. Keller stated it could be, noting their re-evaluations could always change. Ms. Conners stated she was curious to see the results. Ms. Keller stated she would bring them to the next meeting. She also has graphs of the monitoring data prior to the slip lining. There are some wells in the area so there are groundwater sources. Acting Chairman Lopez asked Ms. Keller if they were private wells. Ms. Keller replied no, noting they're monitoring wells they installed to monitor the groundwater level. Acting Chairman Lopez questioned if there was a naturally occurring amount of selenium that ends up in the river or if the City lines are sanitary lines that would put more into the river. Mr. Racz replied during the ten-year process, the City is looking to see if they're just pushing the problem somewhere else or if it's actually solving the problem. That is the importance of using an adaptive management approach where they start with pilot projects and

monitor the groundwater to make sure there aren't any unintended consequences. At this point, they don't know, and it's going to take a long period of monitoring.

SOLID WASTE SUBCOMMITTEE - TED LOPEZ

There was no report given.

Ms. Finzel-Aldred left at 6:25 p.m.

PUBLIC SERVICE COMPANY OF COLORADO (XCEL ENERGY)

- Extension of a Temporary Modification to a Water Quality Standard on a Portion of the St. Charles River

Ms. Justine Shepherd distributed Exhibit 15-Public Service Company of Colorado, and slides, which are attached as Exhibit C. She stated Public Service Company operates the Comanche Power Plant, which is authorized to discharge to Middle Arkansas Segment 6B, and is defined as the mainstem of the St. Charles River from the Edson Arroyo to the confluence of the Arkansas River. The Water Quality Control Commission adopted a temperature temporary modification in June, 2013, at the Arkansas River Basin Hearing. The modification is currently set to expire next summer on June 30, 2017. The Public Service Company is proposing to extend the temporary modification until December 31, 2018. They used this time to collect additional temperature data to develop ambient based standards proposed at the next basin hearing in June, 2018. The segment has warm stream Tier II temperature standards. Under it's current temporary modification, Public Service Company has been implementing a plan to resolve the uncertainty. In the spring of 2014, they installed continuous temperature loggers. The data collected to date demonstrates there are exceedances in the stream of daily maximum temperature standards upstream and downstream of the facility during the summer months. However, due to flooding in 2014 and 2015, there have been large data gaps in the critical summer months. They were able to collect continuous summer data for this year, but it's the only complete set of summer data they have so far. As part of it's proposal to extend the temporary modification until December, 2018, Public Service Company is revising the need for temporary modification by having more frequent data collection including the summer months. They will be able to collect another full summer bank of data and goals about ambient based temperature standards to be proposed at the June, 2018 Arkansas River Basin Hearing.

Ms. Keller stated sandy bottom streams and storm events aren't a good combination for the loggers. Ms. Johnston stated they either got washed away or buried by sand. Ms. Keller stated they have a good case for an ambient standard. Mr. Racz stated there was an ambient standard for selenium adopted in 2013, which is still in place. Ms. Johnston stated the standard is based on the fish that are expected to occur in the segment. They are trying to figure out if the standards are appropriate for the segment given the conditions that exist. Ms. Keller stated they're going to run into this problem in other areas because they've got shallow streams and shallow prairie streams with very little vegetation. There are a number of areas without dischargers that are going to be looking at setting ambient standards, noting it's an issue because who's going to collect the data. There is going to be a lot of temperature hearings coming up and Pueblo has to decide how they're going to handle the impairment.

AGENDA FOR DECEMBER 1, 2016 MEETING

The next regularly scheduled EPAC meeting is Thursday, December 1, 2016, 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 6:38 p.m.

Respectfully submitted,



Sandy Blanco
EPAC Recording Secretary

SJB