

MINUTES

PUEBLO AREA COUNCIL OF GOVERNMENTS

APRIL 25, 2013

A meeting of the Pueblo Area Council of Governments was held on Thursday, April 25, 2013, in the Pueblo Regional Building Department's Conference Room at 830 North Main Street. The meeting was called to order by Mr. Michael Colucci, Chairman, at 12:15 p.m.

ROLL CALL

Those members present were:

Ed Brown
Michael Colucci
Michael Connolly
Sandy Daff
Nick Gradisar
Terry Hart
Ted Lopez

Roger Lowe
Buffie McFadyen
Eva Montoya
Steve Nawrocki
Sal Pace
Lewis Quigley

Those members absent were:

Chris Kaufman
Ami Nawrocki

Chris Nicoll

Also present were:

Joan Armstrong
Sam Azad
Peter Blood
Michael Cuppy

Scott Hobson
Dan Kogovsek
Louella Salazar

AMENDMENT TO AGENDA

Chairman Colucci requested the agenda be amended as follows: Item No. 3 on the Consent Items will be moved following the PACOG Manager's Report (Item No. 8) under the Regular Items. Additionally, Item Nos. 13, 14, and 15 will follow Item No. 3, noting this would allow CDOT staff and others to leave immediately after their presentations. Item No. 10 and Item No. 11 would be switched in order since both deal with the same water quality proposal and same topic.

It was moved by Terry Hart, seconded by Sandy Daff, and passed unanimously to amend the agenda to reflect the changes above.

CONSENT ITEMS:

Ms. Joan Armstrong, PACOG Manager, reported the revised Consent Agenda contains five items. She summarized the five Consent Items for PACOG.

Chairman Colucci asked if there were any other additions or amendments to the Consent Items or if any of the members or audience would like any of the items removed from the Consent agenda.

It was moved by Sandy Daff, seconded by Buffie McFadyen, and passed unanimously to approve the five Consent Items listed below:

- Minutes of March 28, 2013 Meeting;
- Treasurer's Report (Receive and file March 2013 Financial Report);
- A Resolution Appointing a Representative from the Colorado State University Extension Service to the Environmental Policy Advisory Committee (EPAC);
- A Resolution Expressing Support for the Recommended Preferred Alternative, Highway Improvements, and Implementation Plan Set Forth in the U.S. 50 West Planning and Environmental Linkage Study (PEL) Completed by the Colorado Department of Transportation and Federal Highway Administration; and
- A Resolution Expressing Support for the Modified I-25 Alternative Set Forth in the New Pueblo Freeway Environmental Impact Statement Completed by the Colorado Department of Transportation and the Federal Highway Administration.

Ms. Armstrong reported at the EPAC meeting on Monday, there was a quorum present. She stated all of the members view their positions with EPAC seriously and with importance.

REGULAR ITEMS:

CHAIRPERSON'S REPORT

(A) Lunch Appreciation

Chairman Colucci thanked the City Council for providing lunch for today's meeting.

MANAGER'S REPORT

(A) Fort Carson Regional Growth Plan

Ms. Armstrong reported at the May 23rd PACOG meeting, Ms. Kathleen Hatten, Executive Director, Peak Military Care Network, and Military Impact Planning Program Manager for the Pikes Peak Area Council of Governments will provide PACOG with an update on the Fort Carson Regional Growth Plan Draft Transition Report. They are winding down on their final grant from the Department of Defense's Office of Economic Adjustment and anticipate finalizing the Growth Plan Transition Report by June with the Pikes Peak Area Council of Governments' Board of Directors approval in July. The full draft transition reports are available on PPACG's website.

(B) Additional Water Quality Correspondence

Ms. Armstrong informed PACOG there is additional correspondence regarding the water quality items as follows:

- Letter from Doris Kester, Environmental Policy Advisory Committee, dated April 23, 2013, regarding their recommendation on the Public Service Company's water quality proposal.
- Pueblo County's Responsive Prehearing Statement to the Proponent Prehearing Statements of Pueblo West Metropolitan District, Public Service Company of Colorado, and the Colorado Water Quality Control Division with respect to Selenium Water Quality Standards on the Middle Arkansas River Segments, Regulation 32.

A RESOLUTION APPROVING AN AGREEMENT FOR PROFESSIONAL SERVICES BETWEEN THE PUEBLO AREA COUNCIL OF GOVERNMENTS AND RNC CONSULTING, LLC, FOR CONSULTING WORK INVOLVING WASTEWATER UTILITY PLANS AND WASTEWATER UTILITY MANAGEMENT PLANS AND AUTHORIZING THE CHAIRPERSON OF THE PUEBLO AREA COUNCIL OF GOVERNMENTS TO EXECUTE SAME

Mr. Jeff Woeber, Planner II with the Pueblo County Department of Planning and Development, reported with the recent approval of the Water Quality Management Plan, which is a guidance plan document, staff is moving into the next stage, which is to include wastewater utility plans for each of the six publicly owned treatment facilities in the County, including Avondale Water and Sanitation District, Colorado City Metropolitan District, which also handles wastewater for the Town of Rye, the Town of Boone, the City of Pueblo, Meadowbrook Mobile Home Park, and Pueblo West Metropolitan District. These plans, which are specific to each wastewater district and facility, contain particulars on how to meet the current and future needs of wastewater treatment. The utility plans will generally near the type of information checklist needed in the State's site application process, which is the permitting process through the State Health Department for wastewater facility projects. Staff is proposing to retain Russell Clayshulte of RNC Consulting, who wrote the Water Quality Management Plan to assist in putting the plans together and incorporating them into the Water Quality Management Plan. The funding comes from 604(b) grant money, which is from the Environmental Protection Agency for water quality planning purposes. He stated in the initial paperwork sent out to PACOG last week, staff had proposed the consultant focus specifically on utility plans for the City of Pueblo and Pueblo West Metropolitan District. However, after recent discussions with both entities, it was decided that rather than limit the consultant's scope to two specific plans, it would be a better course of action to have the consultant begin coordinating with each of the six wastewater entities and to determine exactly what the scope and needs of each are as far as drafting those plans, and then to begin determining what assistance he will provide to each of those entities. Staff re-sent the revised agreement of professional services to contract with Mr. Clayshulte, as well as a resolution of approval to PACOG yesterday. Staff is recommending PACOG approve the resolution and agreement.

It was moved by Nick Gradisar, seconded by Roger Lowe, and passed unanimously to approve "A Resolution Approving an Agreement for Professional Services between the Pueblo Area Council of Governments and RNC Consulting, LLC, for Consulting Work Involving Wastewater Utility Plans and Wastewater Utility Management Plans and Authorizing the Chairperson of the Pueblo Area Council of Governments to Execute Same".

A RESOLUTION AUTHORIZING THE PUEBLO AREA COUNCIL OF GOVERNMENTS (PACOG) TO SUBMIT PRE-APPLICATION PROPOSALS TO THE COLORADO DEPARTMENT OF TRANSPORTATION RELATED TO IMPROVEMENTS WITHIN THE I-25 AND U.S. 50W CORRIDORS THROUGH THE RESPONSIBLE ACCELERATION OF MAINTENANCE AND PARTNERSHIPS PUBLIC-PUBLIC PARTNERSHIP PROGRAM, AND AUTHORIZING THE PACOG CHAIRPERSON TO SIGN A LETTER OF SUPPORT FOR SAID APPLICATIONS

Mr. Scott Hobson, MPO Administrator, reported the resolution authorizes the submittal of three CDOT RAMP applications related to I-25 and U.S. 50 West, as well as authorizing the PACOG chairperson to sign a letter of support to be included with those applications. This has been a moving target process with the CDOT and the RAMP Program. Staff has worked closely with the staff from CDOT, Pueblo West Metropolitan District, Pueblo County, and City of Pueblo to develop three projects for grant pre-applications. There will be pre-applications submitted to CDOT and those will be screened. If they meet the criteria for RAMP funding, then staff will be requested to provide full applications which will be submitted in June. The decision will be made on the RAMP applications in September. There are two applications for I-25. The first one includes the I-25 Central Business District segments, which includes the area between the completion of the Ilex Bridge project to 13th Street. They are looking at a project estimate of \$119.25 million. The second application is for the I-25 North segment, which includes three potentially scalable segments of 13th to U.S. 50B, U.S. 50B to north of 29th Street, and the extension of Dillon Drive from 28th Street to U.S. 50B. This project is estimated to be \$116.05 million. These projects could be scaled or phased. It is not their intention that all of these projects be awarded a grant. They are trying to get some funding through the RAMP Program that moves the I-25 project forward and begins construction and these all set up as far as being able to be scaled at least two phases in the Central Business District segment and three phases in the North I-25 segment. The third component of the application is a U.S. 50 West component and that extends from the west of the current construction at U.S. 50 and Wills Boulevard and extends to Purcell Boulevard. It includes additional lanes in each direction from Wills to Pueblo Boulevard and additional lanes in each direction extending from Pueblo Boulevard to Purcell and then turn movement improvements at Pueblo Boulevard. Jug handles would be constructed where you would have off ramps from U.S. 50 to Pueblo Boulevard, but you would not be making turns directly from the main Pueblo Boulevard corridor. You would actually come off jug handles and then make turns northbound and southbound onto Pueblo Boulevard, but it would not be through the main traffic portion of Highway 50. This project is estimated to be \$30.4 million. One of the things they want to stress in these pre-applications is staff has come up with conceptual plans for matching funds for these projects. The two ways they will identify in projects for matching funds are: (1) on the I-25 project they have identified approximately 24 acres of either publicly owned right-of-way within the City and properties that the City owns that would either require full impact takes or partial impact takes from CDOT. What they would do on the final application is come up with an estimated value of those rights-of-way and public lands they would make available for the I-25 project and the cash value of the rights-of-way costs; and (2) the consideration of a devolution of State highways where either the City or County would accept the operation and maintenance of those roadways. At this point, staff is only proposing the concept of the City and County accepting those if we make it through the pre-application process and submit full applications. At that point, they will go back to City Council and Pueblo County and identify and select potential roadways that they would consider for taking

over maintenance from CDOT. There is a considerable value in the devolution of roadway concept. The estimated value they have calculated well exceeds the 20% match which is required in these applications. Staff is not going to suggest or recommend all of these roadways. A lot of this is going to be dependent upon the amount of funding that might be made available for the RAMP Project. Staff will come back to PACOG and the elected officials with a recommended list of potential roadways that could go through devolution process for CDOT. The application will include maps for each of the projects, and the letters of support they received from the City of Pueblo, Pueblo West, Pueblo County, the legislative delegation, the three chambers of commerce, and the Pueblo Chieftain. These need to be submitted by May 1st. He requested PACOG approve the resolution. He stated an amended letter was distributed prior to the meeting.

Mr. Quigley stated every time he sees this plan it gives the impression that everything stops at Ilex. He asked if there is any plan or map south of that. Mr. Hobson responded the Environmental Impact Statement (EIS) for the modified I-25 alignment does include the full seven miles through Pueblo. The Long Range Transportation Plan (LRTP) has estimated revenues between 2008 and 2035 for the Pueblo Region. With the Record of Decision (ROD) that would be rendered as part of the EIS, there has to be funding available with the LRTP to accommodate that. We do not have the full amount of money in the LRTP and would not be able to justify the full amount of money needed for all the I-25 improvements for the full seven miles. This is why staff has chosen to put this on the Ilex to North 29th Street segment, which is approximately \$305 million. THE LRTP would be able to identify the funding to be able to do that. This is why the South segment was not chosen. The EIS does not separate that out. There would be a separate ROD as funding would be able to be placed into the LRTP to accommodate construction of that segment. Mr. Quigley suggested a footnote be placed. Mr. Hobson replied he would talk to CDOT and FHWA and see if that can be included.

Ms. McFadyen complimented the team on this particular application. She commended staff for the amount that has been going into this application. She also commended CDOT staff for their efforts in working with staff. She stated the Ilex interchange is not a part of this application because that is being done with FASTER dollars. This particular seven mile stretch of I-25 is the oldest stretch (being built 1949 and 1955) that has not been redesigned anywhere on urbanized areas of I-25 in Colorado. It also has the most accidents on I-25 in the State of Colorado. She stated the safety needs drive this proposal. She felt confident we are putting our best proposal forward. She complimented the different entities for willing to take on this devolution. She stated the area between I-25 and Purcell Boulevard is on the verge of having one accident per day, noting it is one of the most congested highways in the State. She stated if we work cooperatively we should have an excellent chance of finally bringing home the projects to this region that we actually deserve and pay for. Public safety will actually be the winner. She stated it is commendable that staff was able to get the pre-application done in less than two months.

It was moved by Buffie McFadyen, seconded by Steve Nawrocki, and passed unanimously to approve "A Resolution Authorizing the Pueblo Area Council of Governments (PACOG) to Submit Pre-Application Proposals to the Colorado Department of Transportation Related to Improvements Within the I-25 and U.S. 50W Corridors through the Responsible Acceleration of Maintenance and Partnerships Public-Public Partnership Program, and Authorizing the PACOG Chairperson to Sign a Letter of Support for Said Applications".

MPO STAFF REPORT

(A) Amendment to the 2035 Long Range Transportation Plan

Mr. Scott Hobson, MPO Administrator, reported there is a packet providing information, which proposes the amendment to the PACOG Long Range Transportation Plan. It ties to Chapter 1, General Overview and Chapter 9, Fiscally Constrained of the LRTP. These address the allocation of funds by the corridor which includes funding for the I-25 segment and the U.S. 50 segment. The amendments allow for the ROD for the I-25 EIS to be able to comply with the LRTP. In order to receive a ROD in the EIS, the LRTP has to have funding available to be able to complete the estimated cost of construction for the area included in the ROD. It is staff's intent to provide the information to PACOG today and, at the May PACOG meeting, the resolution will be submitted for consideration. The Transportation Advisory Committee (TAC) will be reviewing this at their meeting on May 2nd and provide a recommendation to PACOG. By Federal regulation, a public meeting has to be held and receive comments on the amendment to the LRTP. This public meeting will be conducted between now and the May PACOG meeting.

Ms. McFadyen asked how long this study has been going on. Mr. Hobson replied the I-25 EIS has been going on for 12 years. Ms. McFadyen stated it is time to get this done.

This being an information item, no formal action was taken.

TRANSPORTATION COMMISSIONER'S REPORT

There was no Transportation Commissioner's report.

PUEBLO WEST METROPOLITAN DISTRICT'S SECTION 208 NOTIFICATION OF PROPOSED CHANGE OF PUEBLO RESERVOIR WATER QUALITY STANDARD DRAFT EVALUATION OF DEFAULT INTERIM STANDARD OF 5 µG/L "CHLOROPHYLL a" FOR MIDDLE ARKANSAS SEGMENT 1 PUEBLO RESERVOIR

Mr. Greg Styduhar, Assistant City Attorney with the City of Pueblo and in that capacity part of PACOG's staff, stated as you are aware the next four items on the agenda provide PACOG the opportunity to review and respond to proposed changes to the Arkansas River Basin Water Quality Classifications and Standards related to the PACOG planning area, which is essentially Pueblo County. These proposed changes, along with PACOG's response, will ultimately be forwarded to the Colorado Water Quality Control Commission (WQCC). The WQCC is the ultimate entity within the State that sets the water quality standards. The WQCC's hearing to consider those proposals is in June. As part of the procedural requirements for submitting these proposals, the entities are required to request input from the 208 Planning Agency, which is PACOG in this case. Although they are required to ask for this input, no law or regulation mandates that PACOG provide input. Nonetheless, PACOG's 2012 Water Quality Management Plan does contain a specific duty and responsibility, which requires PACOG to recommend revisions to water quality standards and stream classifications where appropriate. Today, PACOG is dealing with three water quality issues: (1) the direct use water supply sub-classification designation for Pueblo Reservoir and the accompanying Chlorophyll a standard, noting Pueblo West Metropolitan District will be speaking on this proposal, as well as the Pueblo Board of Water Works; (2) various revisions related to selenium as proposed by the Pueblo West

Metropolitan District; and (3) various revisions related to selenium as proposed by the Public Service Company of Colorado. Ms. Armstrong indicated earlier that EPAC had an opportunity to receive presentations from the parties as well as submit letters of recommendations to PACOG, noting these should be in PACOG's packet. Additionally, there are very qualified individuals from the different entities ready to provide informative presentations and will answer any questions PACOG might have in that regard. It should be noted that Tuesday (April 23rd) represented the deadline for all the parties to the WQCC hearing to file their responses to the various proposals. There were 20 entities that filed responses to proposals with the WQCC. The Water Quality Control Division (WQCD), the administrative arm of the WQCC, responded to all three proposals that PACOG will be hearing today. In addition, Pueblo County, the Colorado Parks and Wildlife, and a few other entities, along with the three who will be speaking today, responded. It would benefit PACOG if the various presenters bring up the responses to their proposals, noting it would assist PACOG members in understanding the true issue. If this doesn't happen, PACOG members can raise the issue with the presenters. He stated a motion that PACOG has in regard to these different items could be like any other. A simple script for PACOG could be "I move that PACOG support the proposal as detailed by the (entity's name) and request that PACOG's staff draft a letter for signature by the Chairman detailing such and forwarding that to the appropriate entities." The reasons supporting that motion--the presentation, as well as any questions or deliberation on PACOG's part--can be incorporated into that letter by staff.

Mr. Jack Johnston, District Manager, Pueblo West Metropolitan District, reported Lake Pueblo is just as important to Pueblo West and, in many cases, more important than other users. In terms of drinking water, which is the subject we are going to delve into today, there is no other source, and; therefore, it has the ultimate importance to Pueblo West. Pueblo West proactively supported from the beginning the sub-classification of Pueblo Reservoir as direct use water supply reservoir. The WQCD did not require any quantitative standards to accompany that qualitative sub-classification. However, Pueblo West as well as others has been open to proposals in relation to one specific area and that is Chlorophyll a. This is a very complex, scientific, and mathematical subject.

Ms. Connie King, Environmental Attorney and Engineer, stated she would be talking about Pueblo West's proposed new sub-classification and water quality standard for the Pueblo Reservoir. In March 2012, the WQCC revised Regulation 31, the basic standards and methodology for surface water to add a new direct use water supply sub-classification and several new default interim Chlorophyll a standards. Direct use water supply lakes and reservoirs are those where there is a plant intake located in the lake or reservoir that is used regularly to provide raw water to a water treatment plant that treats and disinfects the raw water. The new default interim Chlorophyll a standards include a default interim standard of 5 parts per billion for lakes and reservoirs with a direct use water supply sub-classification. She stated she is going to use the terms parts per billion and micrograms per liter, noting they mean the same thing. Regulation 31 requires that prior to May 31, 2022, the default interim values will be considered for the adoption of water quality standards for specific water bodies in Colorado. To do this, the WQCC is required to consider the following factors: (1) whether the public water systems using the reservoir as a raw water supply are experiencing impacts attributable to algae; (2) whether there are reservoir restrictions in

place that recognize the importance of the reservoir as a water supply; (3) whether allocation of this value appropriately balances protection of all classified uses of the reservoir; and (4) other site-specific considerations which affect the need for a more protective value. For the June 2013 rulemaking hearing on the Arkansas River Basin, the WQCD is proposing that the WQCC add a new direct use water supply sub-classification to the Pueblo Reservoir. Pueblo West is also proposing that the WQCC add a new direct water supply sub-classification to the Pueblo Reservoir. Originally for the February 11th notice for the rule-making hearing, Pueblo West also decided not to propose any Chlorophyll *a* standard for the direct use water supply sub-classification for Pueblo Reservoir. Later, in the March 19th proponent's pre-hearing statement, Pueblo West proposed an interim site-specific Chlorophyll *a* standard of 10.6 parts per billion. She explained the default interim Chlorophyll *a* value of 5 parts per billion for the direct use water supply sub-classification was developed by the WQCD using a general calculation based upon the averages of data from 12 different Colorado lakes and reservoirs and 6 water treatment systems. The data used to calculate the default interim value of 5 parts per billion did not include data from the Pueblo Reservoir or the three water treatment plants that treat raw water from the Pueblo Reservoir. The three water treatment plants are the Pueblo Board of Water Works, the Pueblo West Metropolitan District, and Fountain Valley Authority. In March 2012 at the nutrients rule-making hearing, the WQCC determined that a different Chlorophyll *a* value might be calculated on a site-specific basis for specific reservoirs such as the Pueblo Reservoir. Pueblo West used data from the Pueblo Board of Water Works' water treatment plant to calculate the site-specific Chlorophyll *a* standard of 9.6 parts per billion for the Pueblo Reservoir. However, the Pueblo Board of Water Works Water Treatment Plant uses chloramines as a disinfectant. The Pueblo West Water Treatment Plant and Fountain Valley Authority Water Treatment Plant use chlorine not chloramines as a disinfectant. A site-specific Chlorophyll *a* standard for the Pueblo Reservoir calculated using data from water treatment plants that use chlorine as a disinfectant would be different from a standard calculated using data from the Pueblo Board of Water Works Water Treatment Plant. Pueblo West determined that the currently available U.S. Geological Survey (USGS) water quality data collected in Pueblo Reservoir may not be representative of the raw water diverted by the plant's intake. From 1985-1987, the USGS collected Chlorophyll *a* samples at various depths in the Pueblo Reservoir and near the dam. The analytical results from these samples indicate that Chlorophyll *a* concentrations vary significantly at different depths. Since 2001, the USGS has been collecting composite Chlorophyll *a* samples to photic zone depth in Pueblo Reservoir near the dam. The photic zone is the surface layer of the water that has enough light for organisms to photosynthesize. The depth of the photic zone varied from 5 feet to 64 feet on those measurement dates that coincided with Chlorophyll *a* sampling dates. The median depth of the photic zone was 17 feet. The Pueblo Reservoir dam has four gates through which raw water is currently withdrawn into a manifold, which supplies raw water to the water treatment plants. Three of these four gate inverts were below the sampling depth 77% of the sampling dates over the past 10 years. All four of these gates were outside of the sampling area over half of the sampling dates over last decade either because they were not submerged or because they were too far below the water surface. Thus, a maximum of 46% of the USGS Chlorophyll *a* samples may be representative of the water actually withdrawn from treatment by the water treatment plants. The fact that the water being sampled by the USGS may not represent the water being drawn into the water treatment plants may account for the lack of correlation between the chlorophyll measurements taken by the USGS and the level of disinfection byproducts found in the water distributions systems. The WQCD stated in their responsive prehearing

statement that it would be reasonable to say that allowing algae abundance to increase and thus produce higher amounts of dissolved organic carbon would be expected to cause higher concentrations of disinfection byproducts; however, the data from Pueblo Reservoir indicates otherwise. The WQCD's goal is to reduce disinfection byproducts, but there is no correlation between the Chlorophyll *a* and Pueblo Reservoir and the disinfection byproducts in the water distributions systems. The State has indicated that Chlorophyll *a* is not a concern, but instead it is the organic carbon that is the concern. Chlorophyll is merely an indicator of organic carbon. If this were correct, there would also be a strong correlation between the average annual chlorophyll measurements and the average annual organic carbon measurements from year-to-year, but this is not what the data says. Since the currently available USGS water quality data may not be representative of the raw water being diverted by the plant intake and because of the lack of correlation between the data sets the State is relying on, Pueblo West previously proposed that the WQCC adopt an interim site-specific Chlorophyll *a* standard of 10.6 parts per billion, noting 10.6 parts per billion was the only actual analytical result from the Year 2012 and; therefore, it would be considered the average of the 2012 actual data. Pueblo West also asked the WQCC to direct the WQCD to collaborate with the USGS, Pueblo West, Pueblo Board of Water Works, and the Fountain Valley Authority to design and conduct a scientific study to evaluate site-specific numerical standard for Chlorophyll *a* appropriate for Pueblo Reservoir. After an April 3rd meeting with the State and representatives of the Pueblo Board of Water Works, the State further explained their approach. After that meeting, Pueblo West further reviewed the State's previously calculated site-specific Chlorophyll *a* standards for various lakes in Colorado and calculated a site-specific standard for Pueblo Reservoir of 7.5 parts per billion for Chlorophyll *a*. In Pueblo West's April 23rd responsive prehearing statement, they presented their revised proposal of an interim site-specific Chlorophyll *a* standard of 7.5 parts per billion. PACOG's Environmental Policy Advisory Committee (EPAC) recommended that PACOG approve 7.5 parts per billion for Chlorophyll *a* as an interim site-specific standard for Pueblo Reservoir pending a scientific study. During EPAC's April 4th meeting, EPAC members calculated this number as 7.5 because they thought 5 was too low and 10.6 was too high. It is just a coincidence that the interim standard of 7.5 that Pueblo West calculated after meeting with the State is the same number that EPAC recommended. Pueblo West urges PACOG's support of their revised proposal on an interim Chlorophyll *a* standard of 7.5 parts per billion and a scientific study to determine a site-specific Chlorophyll *a* standard for Pueblo Reservoir. Pueblo West is confident that 7.5 parts per billion is an appropriate interim standard for Chlorophyll *a*.

Mr. Johnston stated Pueblo West has made all attempts with the Pueblo Board of Water Works and collaboration with Colorado Springs Utilities and one of its employees, who is also a Commissioner, to try to come up with a joint proposal. Pueblo West had multiple meetings to try to achieve that. In fact, after several meetings, we came up with a verbal agreement to set a standard at 7.4 micrograms per liter same as parts per billion using statistical 85th percentile statistical calculation. Both of us presented that to the WQCD and the WQCD didn't like the statistical analysis at the 85th percentile to get to the 7.4 and so Pueblo West went back and used the same formula the WQCD used on all the other sampling sites to come up with the 7.5. Again, this data was taken from samples that did not include Pueblo Reservoir or any of their treatment facilities. Pueblo West is aware the Pueblo Board of Water Works will make a presentation at the 5 micrograms per liter, but that is taking data from other sources and trying to see if it fits at Lake Pueblo. Pueblo West thinks there should be a site-specific standard for Lake Pueblo in particular. The goal is

about disinfection byproducts, and is not about Lake Pueblo, Pueblo Reservoir, or the water quality in the Lake. It is about what is actually coming out to the consumer in terms of disinfection byproducts, which can be carcinogens at high levels. This is more of a concern for a chlorine plant like Pueblo West and Fountain Valley Authority because of the byproducts of chlorine in the process than a chloramine plant, and the data clearly shows that there is not a correlation between a raised level of Chlorophyll *a* and a raised level of disinfection byproducts into the potable or consumable water. It is known that the chloramine process can have a taste and odor issue that is not related to Chlorophyll *a*. Pueblo West had a concern about arbitrarily setting a sampling point that's not reflective of the actual influent or intake of water that's coming into the system, which the proposal to follow does not take into account. This is about drinking water so we need to look at what's coming into our system and measuring it at that point. There are certainly many places in Lake Pueblo where the concentration of Chlorophyll *a* is higher--sometimes 10 times higher or otherwise. The specific purpose of this objective is to ensure what's coming into the treatment facilities. He mentioned the now defunct pumpback project which had potential discharge into Pueblo Reservoir. He stated whether we like it or not, generations to come will be faced with reuse initiatives to address the water scarcity as well as the drought conditions, noting those resources are diminishing. However, if PACOG is concerned about that in particular, at any point in the future setting any kind of numerical standard or threshold only detracts from an ability to oppose because as long as any discharger that has any ability to affect Chlorophyll *a*, which is not just wastewater effluent dischargers, but there are agricultural and other contributors to that, once you set a standard, as long as you can show that the standard is not exceeded, then there is no way to oppose.

Mr. Johnston stated accepting a standard at a low end could be costly because this is new territory and if this were to be exceeded it could set a chain reaction that are not just related to the wastewater discharging upstream, but it could affect agriculture, recreation, or otherwise. This is not a political issue, but it is a scientific issue and it has to do with water quality with our residents in both our communities.

Mr. Johnston stated our State legislators and State regulators have been clear about the perception of the Pueblo community not being able to collaborate and work together. He believed we have an opportunity to show that an effort has been made to look at different data and come up with some kind of compromise to achieve the same goal and not get tripped on the numbers. This has been done with getting a Water Quality Management Plan in place. He stated we want to avoid us going to Alamosa in June and being at odds over something we are clearly in principle on the same page. If you pick one extreme or another it can set the wrong chain reaction and we would like to avoid that. Based on what Pueblo West proposed to EPAC and what EPAC has recommended, by having an interim standard that has a numerical basis on the WQCD's own formula, it gives us an opportunity to set a site-specific study in motion that we could all collaborate on and set the right standard and make the right recommendation. Frankly, Lake Pueblo doesn't deserve any less an effort for us to do that. He asked that PACOG support the EPAC compromise, which wasn't Pueblo West's original proposal, but are willing to accept as the interim default standard with a study to follow.

Ms. McFadyen asked what would be wrong with setting it at 5 because it could come back at 7.5. She stated she didn't see any long-term harm at setting it at 5 during the interim, noting it is not a declaration to keep it at 5. Mr. Johnston replied they had a discussion

about that. Five (5) doesn't have a numerical basis and; therefore, if you are going to set any standard whether it be interim or long-term, you want to set the right standard regardless of what it is. The data that was collected to come up with a 5 has no real relevance to Lake Pueblo at all. Five (5) is an arbitrary number that would just be taken here and slapped onto Lake Pueblo. If you look at the formula that was used to create the 5, we just take the same formula and apply that to Lake Pueblo and set that as the standard, but that data also takes some extrapolations that don't have accurate data where you take some averaging to come up with a triangulation of numbers. Pueblo West is saying Lake Pueblo deserves a very specific study to determine what naturally occurs and what happens with man-made influence. This is why 5 is really not relevant, noting 7.5 is the relevant low end number because the study could come back and say "frankly, it's 6 or frankly, it's 11" and then we could sit down and discuss where we go from there.

Chairman Colucci asked how long the study would take to complete. Mr. Johnston responded that has been undetermined because the scope of the study has not been set. The study would look at several things such as Chlorophyll *a* standard and how to determine that—do you determine it with five sampling points, do you determine it at surface level at certain depths below that, or do you do it at one of your four intake valves that come into the treatment plants or actually into the South outlet works at the three entities draw from to go into our treatment plants? There is a lot which would have to be determined and, based on that, you would be able to determine a timeline. The last hearing the WQCC had on this was six years ago. Chairman Colucci stated then it does take at least a year to get the accurate measurement. Mr. Johnston felt it would be a multi-year proposition.

Ms. McFadyen asked what would be the harm for Pueblo West and she is hearing that the 5 is not evidenced based, so what harm is there to Pueblo West if PACOG picks an arbitrary and capricious number while doing this interim study, noting it would take about a year to do. She agreed it should be sampled in our own reservoir rather than sampling at other places to determine our levels. She asked if this would cause any irreparable harm to Pueblo West in his or the Pueblo West's attorney's view in keeping a 5 while we do a study. Mr. Johnston replied there is no harm to Pueblo West, the City of Pueblo, or the Fountain Valley Authority of having a 5 or a 10.6. It is about what comes out the other side. If you are going to spend the time, effort, and resources, then why would you pick an arbitrary and capricious number when you have taken the same process and formula, which has been applied in other places and apply it to come up with the right standards. Anything but a 7.5 will be seen as arbitrary and capricious or maybe a politically type of number. You have the formula and you have your technical advisors saying that this would be the right standard to set. There is no harm across the board so you could pick 20 or 1, but if you have to pick something pick it where you have some data that would support that and 7.5 is clearly supportive. This is uncharted territory and if for some reason that 5 were to be exceeded it could set an unknown chain of events into restrictions or otherwise upstream. We would want to know what the right one is to address the naturally occurring elements and know how we can address any man-made influences going forward.

Mr. Gradisar stated the materials he received indicated samples have been taken during the last 12 years on Chlorophyll *a*. Mr. Johnston replied they do have samples on Chlorophyll *a* at a number of sites. We're not sure that the sampling has been done that is relevant or representative of the water quality going into the intake. Mr. Gradisar stated in those 12 years they have been doing the samples 5 has only been exceeded once. Mr. Johnston

responded that is his understanding, but it has been exceeded and that's the key. It could be exceeded again and if it does for probably no efforts or input by anybody it could go up as well. It could put us all in an unknown territory. Mr. Gradisar asked if the Chlorophyll *a* only exists in the photic zone or is it throughout the reservoir. Mr. Johnston replied it is throughout the reservoir. Some the USGS data was just guessed. There was some specific sampling done, but there were multiple points where they extrapolated what they thought were around that and put that in as an indicator. It is clearly defined that it is not an actual data point, but an estimate. This is why there isn't much confidence in that data. Mr. Gradisar asked if the Chlorophyll *a* level was higher near the surface of the lake or lower in the lake or is there any relationship between them. Ms. King replied it does vary from sampling date to sampling date. They only took different samples at different depths from 1985-1987. In general, it is higher closer to the surface. Most people think that the photic zone is the upper level of the lake where the light penetrates and algae can grow. The WQCD sent an explanation stating although the algae are growing in the upper level they are also dying, and the dead algae is falling to the bottom. There is Chlorophyll *a* at the various depths. Mr. Gradisar asked if generally the level is higher at the top. Ms. King replied yes. Pueblo West wants samples to be taken that are representative of this raw water that is going to the water treatment plant. When the USGS started doing all this sampling back in the 1980s, they were doing it for a different purpose. They were trying to get the general condition of Pueblo Reservoir, so they were taking samples of various sites in Pueblo Reservoir to see in general what the Chlorophyll *a* concentration is. They weren't doing it for the purpose of characterizing raw water going to water treatment plants. Pueblo West wants a scientific study to be done specifically for this purpose so that they know is they are getting the right data and making a decision based on the right numbers. Mr. Gradisar asked how much that would cost. Ms. King replied she didn't know. Because there are a number of different entities that will be working together to design the study, she didn't believe anyone would have an answer to that question at this point. However, a lot of the data is already being collected and so it is a matter of figuring out what else needs to be done in addition to what is already being done on a regular basis. Mr. Gradisar stated a lot of data is being collected by the individual providers. Ms. King replied yes at their plants and the USGS has been doing this data collection in Pueblo Reservoir and they could make some changes or add a sampling point to do this specifically for Chlorophyll *a*.

Mr. Hart expressed concern with the use of the phrases "arbitrary" and "arbitrary and capricious" when it comes to what the WQCD has recommended as the standard of 5. He stated when he hears that phrase it sounds like someone is taking a wild guess. It is his assumption that is not true at all. The WQCD has done some sampling and has this new designation and they are basically saying that based upon sampling that's been done, whether it is Pueblo Reservoir or not, 5 is what they believe would be the best justifiable number as an interim number. It is not arbitrary at all, and it is not arbitrary and capricious. The WQCD believes there is a rational basis for setting the initial temporary limit of 5. Ms. King replied the WQCD was working in a nutrients hearing process that took several years and they were looking at many other things besides Chlorophyll *a* and they were looking for examples of Colorado lakes and reservoirs. They picked some examples of lakes and reservoirs. They picked some examples of water treatment plants. They used that to come up with an interim standard. Mr. Hart stated that isn't arbitrary, noting it is based upon what their theory was the appropriate standard to apply to this interim analysis. He stated he didn't think anyone disagrees with the concept of once an interim standard is established then conducting a study on a site-specific basis for each of the various reservoirs to

determine what might be most appropriate for that. He stated he is troubled with the use of the word arbitrary, noting it is basically an argument that she is believing the testing should have taken place in the reservoir itself rather than the methodology the WQCD did it. Ms. King replied they are not criticizing the methodology the State used for coming up with an interim standard that's in basic standards and methodologies for surface water. They did what they could at the time. In the same regulation that they had the hearing on a year ago, they made it clear that the door is open for site-specific standards to be proposed. Mr. Hart stated even for the interim standard. Ms. King replied yes. Mr. Johnston added the State told them the same thing, and they are more than happy to consider any other data and any other propositions in relation to standards. He stated he thought they recognized that the reservoirs are not the same throughout the State. That is why Pueblo West used their formula to come up with that specific year--a formula by which PACOG could have a numerical and scientific basis to support. He felt they made their best extrapolation or guess on a small sampling and tried to fit it to Lake Pueblo, but Lake Pueblo is too important to all of us to just to slap something on it and we want to do something more specific with no interim harm or otherwise at any level.

PUEBLO BOARD OF WATER WORKS' SECTION 208 NOTIFICATION OF PROPOSED CHANGE OF PUEBLO RESERVOIR WATER QUALITY STANDARD DRAFT EVALUATION OF DEFAULT INTERIM STANDARD OF 5 µG/L "CHLOROPHYLL a" FOR MIDDLE ARKANSAS SEGMENT 1 PUEBLO RESERVOIR

Mr. Terry Book, Executive Director, Pueblo Board of Water Works, reported he will be turning over the presentation to Mr. Lee Johnson, the attorney for the Pueblo Board of Water Works, noting he has made filings for them to the WQCC and responded to those who have also responded. The Pueblo Board of Water Works has taken the approach in this particular case and in all matters related to water quality within this basin to be a regional player. They are looking out for their interests as well as the interests of those that aren't currently represented--this being the Arkansas Valley Conduit entities, which consist of 40 small towns, all of which use chlorine disinfection. The implication by what Pueblo West provided was that the Board of Water Works only has chloramine disinfection, which is not true. The Board of Water Works has two treatment trains--one being chlorine based and one being chloramine based. The chlorine based plant is subject to the higher levels of disinfection byproducts just like the other entities which use that which are the majority of those. As time goes on, the mix or blending of those waters in Pueblo's plant is going to be higher on the chlorine side. Whatever values they produce for disinfection byproducts today, and they strive to have the lowest value they can get with a reasonable treatment process, they are not trying to bump up against the maximum they can get. They want to get the lowest they can practically get at a reasonable cost. As they go along, the numbers they are getting now will tend to increase because they get this higher mix of chlorine based treatment. Currently, that mix, at a full capacity, is 63 million gallons a day of chloramine based treatment process and 21 million gallons a day of chlorine base. As they go along, the plant will eventually be 140 million gallons a day at build-out. There will be a significantly higher percentage of that chlorine based process. It is important to them both from a regional perspective, as well as specifically the Board of Water Works.

Mr. Lee Johnson, an attorney at Carlson-Hammond-Paddock, reported the Pueblo Reservoir is a major component of the Board's drinking water supply and essentially all of the Board's water comes through that reservoir. It comes through a pipe that goes directly

to a water treatment plant. It is disinfected and then distributed throughout the Board's system. He noted they are not the only ones who use Pueblo Reservoir. Fountain Valley Authority and Pueblo West use it. There a lot of folks who would like to maintain the water quality in Pueblo Reservoir. He stated the one thing they agree on is that is appropriate to adopt a direct use water supply for Pueblo Reservoir. Everybody is in agreement on this, including the State and Pueblo West. The Board has proposed it all along. The real issue where they are having a problem is what Chlorophyll a standard do you apply to Pueblo Reservoir. The State's approach is neither arbitrary nor capricious. The Board of Water Works' number is neither arbitrary nor capricious and they are happy with the number they proposed.

Mr. Johnson stated the goal is to minimize disinfection byproducts as much as possible. They are minimizing the risk to the drinking water customers as much as possible. Water providers take water out of the reservoir and run it through a system and part of that system is disinfection. As a result of disinfection, part of that process generates these harmful byproducts. These byproducts have been determined to be carcinogenic and otherwise harmful to human health and that is why we want to keep those numbers as low as we can. In general terms, the higher the organic carbon that you have in a reservoir, the higher the disinfection byproduct you are going to have when you treat it. Why do we care about Chlorophyll a? Chlorophyll a is an indicator of the amount of algae growth in a reservoir--the higher the Chlorophyll a the higher the algae growth. Algae growth is also a producer of organic carbon. As the alga produces its organic carbon that gets mixed into the various processes, it dies as it moves down, and the currents carry it around and you have a certain amount of organic carbon in the reservoir. This is not the only source of organic carbon in the reservoir, but it is a source of organic carbon in the reservoir. In fact, it is that particular type of organic carbon that is the hardest to remove. Through normal treatment processes you can filter out the algae and the Chlorophyll a, but it harder to remove that organic carbon component of Chlorophyll a. Again, what they are trying to do is keep the alga in check so they can keep the organic carbons down and minimize the risk of disinfection byproducts (DBPs). He felt that Pueblo West's proposal is a moving target. It started out with a new standard for Chlorophyll a at 10.6 micrograms per liter and now we are at 7.5. The encouraging thing is they are moving in the right direction heading down towards a 5. The Board of Water Works all along has been consistent that they think 5 is the appropriate number. This is based on 12 years of data in the reservoir. It is based on the reservoir being in compliance with their proposed standard for the last 12 years. The data was measured at a USGS site and USGS data, which is accurate data and it is established that it has not exceeded that 5 micrograms per liter level in 12 years. Nobody here wants to have a reservoir out of compliance. The Board's proposal of 5 micrograms per liter is based on using the WQCD's approach and applying real data to that approach. The Board came up with a 5 number. It is not arbitrary nor capricious, but based on data. What the standard also does is essentially preserves the status quo and that is important. The Board wants to maintain the high quality water that is in Pueblo Reservoir right now. By doing that we are also maintaining all the other uses that go on in Pueblo Reservoir. For example, great recreational amenities, which they don't want to impact at all. Five micrograms per liter number is a number which has been met for 12 years. It has never exceeded 7.5 on this averaging basis. It has been at below 5, and there was a year it was above 5, but as you apply the standard, it's in compliance all 12 years. He felt that 7.5 is no protection and it actually allows additional degradation of the reservoir. The Board's proposal is consistent

with PACOG's policy statement which says, "it is imperative that waters are protected to the highest degree possible". Five does that in the Board's view; 7.5 does not.

Mr. Johnson stated the WQCD, which is an arm of the WQCC, looked at all these various numbers and things submitted, and they have said 5 is the right number. They agree and support the Board's approach to 5. They do not agree with the 10.6 number that was in the earlier Pueblo West proposal. Another important one is the Colorado Parks and Wildlife, who is supportive of the Board's approach. The Parks and Wildlife prefers the approach identified by the Board because it would seek to maintain the status quo that is mutually supportive of a productive fishery and water-based recreation. They are in support of 5 on that basis. Pueblo County also came in and supported the Board's approach and had a fairly lengthy statement stating it is consistent with the 208 Plan policy, Pueblo County supports the adoption of a direct use water supply sub-classification for Pueblo Reservoir as proposed by the Board of Water Works of Pueblo, Colorado, and supports the adoption of a site-specific numeric Chlorophyll *a* standard of 5 micrograms per liter. Pueblo County believes the Pueblo Board of Water Works' proposal implements the 208 Plan policy statement and prevents degradation in the Pueblo Reservoir. The Board asks that PACOG join the WQCC, the Colorado Parks and Wildlife, and Pueblo County in support of the Board's proposal which is 5 micrograms per liter.

Mr. Quigley asked if he presented this information to EPAC. Mr. Johnson replied they did. When EPAC heard all of this a month ago, they didn't have the benefit of the State's position coming in support, Parks and Wildlife's support, or Pueblo County's support. There has been some additional information which has come in since that time.

Ms. McFadyen asked the date of the Pueblo County letter. Mr. Johnson replied it is Tuesday, April 23rd. Mr. Hart added this was the deadline date to file.

Chairman Colucci asked why we would want to raise it. What is the downside to keeping it at 5. Obviously, there is a motivation to raise it, but what is that motivation? Mr. Jim Egan, President of Regulatory Management, who is a registered professional engineer, replied the downside is if there is a violation of a standard and it is set wrong, another regulatory process, Total Maximum Daily Load (TMDL) process is triggered because it means the water is impaired because the numbers have been exceeded. The TMDL process is very expensive and you need to bring in people to solve the problem, which may be real or not real. The problem could mean controls to recreation, controls to boating, etc. in the reservoir. He stated it is basically a five-year time period because the basin hearings when they set standards are every five years. If we do a site-specific study and get actual Pueblo Reservoir data we wouldn't get a chance to do it until five years from now. The State did across the board default standards setting for selenium over 20 years. They set it at 4.6 for aquatic life. We will show that this selenium in whole area is underlain by cretaceous shale loaded with selenium. Your natural background shale concentration is a thousand parts per billion. The City of Pueblo is still trying to get this straightened out. We have been working on this for four years and it has cost several thousands of dollars. He asked that a number be set in order that they may do it site-specific and get it right. Chairman Colucci asked if recreation is the only thing that causes algae. Mr. Johnson replied he didn't think there was any downside to setting this number at 5, noting it hasn't been exceeded in 12 years. You have to assume there is going to be a bump up in there that would trigger it. If this did happen, a TMDL would not involve any curbs on recreation because it is not a source of

Chlorophyll *a*. It makes no sense to regulate recreation to try to control Chlorophyll *a*. Mr. Johnston stated you could see some restrictions or limitations if not to recreation then to agriculture upstream, which may also be a contributor. You could see that effect go in upstream to dischargers to the TMDL process as possibly recreation. Once again, this is uncharted territory. The designation of direct water supply is being applied or proposed to be applied for the first time. It hasn't exceeded on a five-year average, but it has exceeded the 5. Pueblo West knows there has been an exceedance of that, so there is a concern that it shows there is a border. You can average out three years, five years, or ten years and get the number you want, but it is clear that 5 has been breached. Therefore, 5 could be too low. Between now and the five years when we will have another basin hearing for this to be proposed, what happens if you get some exceedance in there and it sets off a chain of events that would be undesirable for everyone else upstream or for those who rely on that reservoir. There is a potential harm with setting it at 5. We know 7.5 has the mathematical data that goes behind it. The WQCD was clear that they are going to support their 5 number they used in other areas until proven otherwise. The WQCD stated if Pueblo West could come to them with another site-specific number, then they would change it. Between now and June, the WQCD is willing to meet with us and discuss that and what is set in June could be different. The WQCC has, in many cases, not taken the WQCD recommendation based on other sound data. Mr. Johnson responded 5 is based on actual data in the Pueblo Reservoir. The Board does not agree with the 7.5. Five is a real number. If you bump 5, then you have a problem in the Pueblo Reservoir and there are potential problems to various water providers. The Board is trying to set the standard to maintain that status quo.

Mr. Cuppy asked if the Fountain-Fort Carson is part of this. Mr. Johnston replied the Fountain Valley Authority does draw water. There are three entities that draw from the South outlet works main intake: Pueblo Board of Water Works, Pueblo West, and Fountain Valley Authority. The Fountain Valley Authority takes the raw water up and treats it. Mr. Cuppy asked if Fountain Valley is run by Colorado Springs Utilities. Ms. King replied they operate the wastewater treatment plant. Colorado Springs Utilities worked with Pueblo West and Pueblo Board of Water Works to come up with a mutually agreeable number. This was early in the process and the number was 7.4, based on the 85th percentile of the available data. When Pueblo West met with the WQCD later to discuss that number, the WQCD said they didn't like using the 85th percentile and they wanted us to use a different process to calculate a number. This is what triggered Pueblo West's effort to come up with a different number. Mr. Johnston replied they essentially went back to their corners with the 5. He stated we keep missing the end consumer and our plants are capable of treating much higher levels of Chlorophyll *a* and it was clear and there is a graph which shows that there isn't a direct correlation that they can find between increased levels of Chlorophyll *a* and disinfection byproducts through the chlorine process in their area. There is not an increased health risk to any of the end use consumers of this water. Mr. Johnson stated the State looked at the 7.4 number and recalculated it and said the appropriate number is 4.6 for that approach and that is one of the reasons they didn't do it. Mr. Cuppy asked what Fountain Valley's number is. Ms. King replied Pueblo West did calculate a number using only data from Fountain Valley Authority and the number based on data from their water treatment plant was 7. Mr. Johnson stated there is no harm in any of the numbers, but we need to get the right number.

Mr. Pace asked if there is a penalty if we exceed 5. What type of restrictions would there be by the State. Mr. Johnson responded the process would be that you would have to have

two years in five where there is an exceedance above 5. It would have to happen twice in a five-year period before you would be in violation of the standard on average. There is not a penalty which would need to be paid. He stated we have exceeded 5 once, which was 5.6 in 2006. Every year since then and before then to 2012 it was less than 5. We have never bumped over the standard because the standard by definition is twice in a five-year period bumping over 5. If it did happen in the future, what would happen is the State would then analyze that and would put it on a 303d list, which is a list of impaired waters and then they would start the TMDL process. They would try to identify the sources that are contributing to this elevating Chlorophyll *a* level. They would look upstream, look at point source discharges, and nonpoint source issues. What they wouldn't look at, in his view, is recreation because it has no bearing as a significant source of Chlorophyll *a* in the reservoir. As a general matter, they would add us on the 303d list and start the process, noting sometimes it takes years before they get to the end of the line on a TMDL. Mr. Johnston stated this is a clearly defined process right now, 303d, TMDL, or otherwise which could have some restrictions on agriculture upstream dischargers. What is unclear is there is no current designation of direct use water supply and how the WQCD would react to that by setting the standard is unknown. The WQCD referenced in their statements the recreational use of Pueblo Reservoir in terms of body contact, human contact, or otherwise. All of a sudden if you get an impaired classification for Lake Pueblo, he thought everything would be looked at because the WQCD already wants to limit body contact into the reservoir. When you are impaired, you are going to start looking at anything in relation to water quality. He reiterated it is unknown and it is all new territory.

Mr. Quigley asked if PACOG is supposed to pick one or the other. Mr. Styduhar replied PACOG is not mandated to take a position. You can choose not to take a position, but PACOG does have a duty and responsibility under the Water Quality Management Plan to take a position when appropriate. When appropriate, is probably best defined by individual members. PACOG can oppose or support all, some, or none of the proposals.

It was moved by Nick Gradisar, and seconded by Terry Hart to adopt the Pueblo Board of Water Works proposal to designate Pueblo Reservoir as a direct water source and supply and support the standard of 5 parts per billion of Chlorophyll *a* as proposed by the Pueblo Board of Water Works and request that PACOG's staff draft a letter for signature by the Chairman detailing such and forwarding that to the appropriate entities.

Mr. Gradisar felt PACOG needs to take a position on this. He didn't think PACOG could say we don't want to weigh in on this. He felt PACOG should set the standards on the reservoir high and we should meet it. The testimony he heard was that for 12 years we have been able to meet that standard and he felt we didn't want to build any leeway in where people can put stuff in there that makes it more difficult for the Board of Water Works and any other users to treat that water and create the health problems that might arise from disinfection byproducts. He stated he didn't know if there was a correlation or not, noting some of the stuff he read suggests there is, but he felt PACOG has to be on the conservative side. If that turns out to be too low, we'll have to deal with that. He felt we should keep the standard where it has been since we have been able to meet it so far. Mr. Quigley asked Mr. Gradisar if he would accept an amendment. He said PACOG has EPAC that has proposed we accept the standard of Pueblo West. He asked if he would accept an amendment which would say exactly what Mr. Gradisar said, but adding the Pueblo West recommendation also. Mr. Gradisar replied no. Mr. Quigley stated this amendment would add Pueblo West

to Mr. Gradisar's recommendation, noting Pueblo West paid a lot of money for this. He stated EPAC represents PACOG and has recommended Pueblo West's recommendation. Chairman Colucci replied we can only do one or the other. Mr. Hart stated what he heard was that EPAC had made its recommendation to support the Pueblo West proposal, but what they did was split the difference between the Board proposing a 5 and Pueblo West proposing a 10.6. It was just a coincidence that it happened to be the same number. EPAC also did not have the benefit of knowing what the Parks and Wildlife felt about it, what the WQCD felt about it, and what the County felt about it. He stated he respects EPAC, but he didn't believe they had all the information in front of them to make the decision.

After discussion, the motion passed by a 9 to 4 vote, with Ms. McFadyen and Messrs. Connolly, Lowe, and Quigley opposing.

PUEBLO WEST METROPOLITAN DISTRICT'S SECTION 208 NOTIFICATION OF PROPOSED CHANGES TO MIDDLE ARKANSAS SEGMENTS 4A, 4D, 4E, AND 18B FOR SELENIUM STANDARD

Mr. Jack Johnston stated selenium is not related to Pueblo Reservoir or to the drinking water or water treatment facility. Selenium is related to stormwater drainage and the quality that goes into the rivers or streams. It is not about people and consumers' drinking water, noting this one is about aquatic life and agriculture.

Ms. Connie King stated she will be speaking about Pueblo West's proposed changes for selenium standards for Middle Arkansas Segments known as Wild Horse Creek, Pesthouse Gulch, Golf Course Wash, and Turkey Creek. In the past, water quality standards for selenium were set at default values Statewide by the WQCC to protect aquatic life and agricultural uses. These default values were very low or less than 20 parts per billion. They do not consider natural sources of selenium. The Pueblo area has one of the highest sources of natural geologic selenium in the country with values in the thousands of parts per billion. She indicated on a map (in green color) where the selenium was located. This natural selenium finds its way into local groundwater, natural and man-made drainage systems, and into wastewater collection systems. As a result, the default selenium water quality standards cannot be met by permanent discharges in local waterways. In these situations, the law allows the ambient site-specific water quality standards be developed and implemented. The City of Pueblo has spent upwards of \$500,000 since 1993 trying to develop a site-specific solution for the high natural selenium concentration in its wastewater treatment plant effluent. The people who pay the City of Pueblo for wastewater treatment have paid this cost. The State also established site-specific selenium water quality standards in 2007 for Wild Horse Creek. However, in 2011, the State determined that this standard for Wild Horse Creek was exceeded because the 2007 water quality standards per selenium were incorrect. The Pueblo West wastewater treatment plant discharges into Pesthouse Gulch, which flows into Wild Horse Creek, which dilutes the high natural selenium concentrations by a factor of 8. Pesthouse Gulch is one of a number of local stream segments that are impacted by this natural geologic source of selenium. As part of the compliance schedule included in its State discharge permit, Pueblo West has been working with the State for four years to develop an ambient site-specific selenium water quality standard for Pesthouse Gulch. As part of this effort, Pueblo West monitored Pesthouse Gulch, Wild Horse Creek, Golf Course Wash, and Turkey Creek to characterize the natural selenium loading at three points along the north side of Pueblo Reservoir. These

sampling points are included in the paper copy of the March 19th Pueblo West Proponent's Hearing Prestatement, which was in the packet PACOG received from Joan Armstrong before this meeting. Internally, each drainage system sampling point is consistent over the three-year sampling period averaging roughly 2,000 parts per billion, which is 100 times greater than the agricultural water quality standard of 20 parts per billion for selenium. Externally, the three drainage systems represented the upstream, middle, and east end of Pueblo Reservoir's north shore—all averaging approximately 2,000 parts per billion of selenium. Pueblo West used the State's regulatory procedure for developing a site-specific water quality standard and calculated the acute and chronic water quality standards for the effective stream segments. Those standards are shown in tables PACOG received in their packets. The Pueblo West data and proposal for an updated selenium site-specific water quality standard for Wild Horse Creek is assisting the State in correcting its site-specific water quality standard that was set in 2007. Earlier this week, the State requested that Pueblo West add three of the State's upstream Wild Horse Creek selenium data points to the calculation of selenium water quality standards for Wild Horse Creek. After adding the State's three data points, noting all is upstream water quality data, the calculated standards were decreased by an insignificant amount. The insignificant amount was 2% on the chronic standard and .3% on the acute standard. These are minor changes that Pueblo West is willing to agree to in response to the State's request. It can be very costly when a Statewide water quality standard is applied evaluating site-specific water quality concentrations. It has cost the City of Pueblo and Pueblo West a lot of money, which is ratepayers money to correct the problems caused by the application of the Statewide standard for selenium. Pueblo West requests PACOG's support of its proposed site-specific water quality standards for selenium based upon upstream water quality data in Pesthouse Gulch, Wild Horse Creek, Golf Course Wash, and Turkey Creek.

Mr. Johnston stated Pueblo West is sitting on a bunch of shale, which is the nature of their topography and geography, noting it is naturally occurring. This recognizes the natural status quo that exists in terms of selenium levels in order to reach a benchmark to demonstrate from the naturally occurring levels what man-made impacts would increase that over time. Many pharmaceuticals and products can also contribute to selenium levels and they are seeing an increase in that. This helps to establish a baseline by which we can recognize what is already happening. The State admitted that the 2007 standard was based on incorrect data analysis. Therefore, this is an opportunity to revise that taking aggregate data and extracting a median, they determined does not effectively represent the State's differing geologies or otherwise. It is noteworthy that Pueblo West, in particular, is already diluting selenium in terms of its discharge down the Wild Horse Gulch and they will be decreasing the amount of selenium once the Wild Horse pipeline goes in because it won't be picking up the natural selenium and will have a straight shot down to the Arkansas. There are already two mitigation factors Pueblo West is taking into consideration. Detention ponds, in many cases, can be a filtration process to help in terms of stormwater quality. In this case, it is not because it is just seepage into the ground so it stays in the area. Trying to ignore or reduce a standard that Mother Nature herself has set already could set into motion very costly futures for communities, which could end up envisioning communities having to have treatment facilities on all of their drainages and stormwater before getting into any other water bodies.

Chairman Colucci asked if these are independent proposals (Pueblo West and Public Service). Mr. Styduhar replied yes, so the action should come after the item.

Mr. Hart stated Pueblo County has entered into this issue with a filing on the same date they put in a filing on the Chlorophyll a question. Pueblo County has had a lot of debate with the Fountain Creek Water District about this issue with our neighbors to the north in Colorado Springs. Pueblo County, through the District Attorney's office, has been addressing this issue. The position which Pueblo County took in its filing was in opposition to moving from the current standards to this new significantly higher standard. Pueblo County wants an opportunity to sit down with the players, including Pueblo West, Public Service Company, and anyone else involved and talk it over and see if there are some agreeable things we can compromise. There are maps which show selenium appears naturally, but the trouble is what is causing it to get into the waterways is developing the area and having greater runoff. He stated it is Pueblo County's main focus to sit down between the date of the filing and the WQCC hearing in June and talk with the parties.

It was moved by Terry Hart that PACOG not take a position on the Pueblo West Metropolitan District and Pueblo Service Company of Colorado matters and allow that process to carry out. He stated in Pueblo County's filing they did contest the methodology Pueblo West utilized and how they came to their conclusions. Mr. Nawrocki asked if PACOG got all the testimony from all the players. He stated PACOG hasn't heard from the City and asked if Gene Michael could speak.

Mr. Gene Michael, the Wastewater Director for the City of Pueblo, stated the City finds it an extremely important issue. The decisions made on selenium potentially have consequences in tens of millions of dollars for construction of treatment facilities and in the millions of dollars per year for the operation of those facilities at the end of which time if we completely remove all the anthropogenic impacts we have been able to identify to date, the river will still exceed the table value standard by a factor about 5. He felt there would not be one iota difference observable in the river. However, the members of the community are going to experience changing the quality of life and will lose a lot of disposable income with increased water rates. He stated he had some comments on the County's response to the prehearing statement. Chairman Colucci replied the County's proposal is not before PACOG. Mr. Hart stated the County doesn't have a proposal, but only contested Pueblo West's proposal. The issue whenever you are dealing with a water quality issue is cost versus health. He felt this why PACOG shouldn't take a position at this time. He felt the issue requires more time. Chairman Colucci stated it needs to be resolved before the June WQCC hearing. Mr. Hart replied we can do something at PACOG's May meeting, noting we don't need to take a position because this is only a recommendation to the WQCC. Ms. McFadyen stated she would be more comfortable to move it to the May meeting.

Mr. Hart changed his motion to table both matters until the May PACOG meeting. Mr. Lowe seconded the motion. Discussion ensued.

Mr. Gradisar asked if the conversations between the players could take place between now and the May PACOG meeting. Mr. Hart felt it would be possible. Mr. Gradisar stated he would feel more comfortable that those opportunities would be exhausted before voting. Mr. Nawrocki asked if there is a drop-dead date PACOG would have to take action. Mr. Hart replied PACOG doesn't ever have to take action. Mr. Nawrocki stated this is the first time he's heard from the City's wastewater director and he would like a little more background. Mr. Michael stated May 14th is the deadline for final comments to the WQCC for its June

hearing. Mr. Hart asked Mr. Michael if he was saying it would be too late for comments if the item is tabled until PACOG's May meeting. Mr. Michael replied he thought the State was going to cut off its comment on May 14th. Mr. Hart felt it was still the right thing to do. Ms. King added May 14th is the deadline for rebuttal statements. The hearing starts on June 10th. Mr. Gradisar asked if they would consider a statement of support or opposition from PACOG if it came after its May 23rd meeting or would they say "no" and wouldn't take it into consideration. Ms. King replied the WQCC actually receives letters from the public up until the day of the hearing. It's not the same as part of the party prehearing statements, noting it is viewed in a different light. She stated it is up to PACOG whether they want to get it into the process in the usual WQCC deadline. If you do, then getting it in before May 14th would be appropriate. If PACOG wants to just send a letter before the hearing, this could be done too.

Mr. Gabe Racz, an attorney for Vranesh and Raisch representing Public Service Company of Colorado, agreed with Pueblo West that comments that are received late would greatly impair parties' ability to respond and address any concerns.

Mr. Sam Azad, the City Manager, expressed concern if it is going to cost the taxpayers millions of dollars and presumably not make a significant impact, he didn't understand why PACOG would be taking any kind of position. He stated he would encourage PACOG to make some kind of position.

Mr. Nawrocki asked Mr. Michael to make some comments. Mr. Michael stated his recommendation would be in support of Pueblo West's position. He also asked if there are to be any discussions that the City of Pueblo be included.

After discussion, the motion to table both matters to the May PACOG meeting was denied by a 7 to 5 vote, with Messrs. Brown, Colucci, Connolly, Lopez, Lowe, Nawrocki, and Quigley casting the deciding vote. (Note: Ms. Daff left the meeting before the vote was cast.)

It was moved by Mr. Nawrocki, seconded by Mr. Quigley, and passed by a 9-2-1 vote, with Messrs. Hart and Pace opposing the motion and Ms. McFadyen passing, to accept Item 10 on the agenda, Pueblo West Metropolitan District's proposed changes to the Middle Arkansas Segments 4a, 4d, 4e, 4f, and 18b for selenium standard, as proposed by Pueblo West. Ms. McFadyen stated per Roberts Rules of Order the chairman should have voted last, noting she would have voted yes.

PUBLIC SERVICE COMPANY OF COLORADO (PSCO) WATER QUALITY PROPOSAL,
ST. CHARLES RIVER, MIDDLE ARKANSAS RIVER SEGMENT 6 FOR SELENIUM
STANDARD, PHOSPHORUS/CHLOROPHYLL a" STANDARDS

Ms. Christine Johnston, Xcel Energy, reported the Comanche Power Plant is the largest plant in Colorado with the addition of Unit 3. The plant has very advanced emissions control and a hydro-cooling system to reduce the water use. There is a wastewater discharge permit from the WQCD that permits them to discharge to Segment 6 of the St. Charles River. There have been selenium standards of 4.6 and 18 micrograms per liter and there was a temporary modification adopted by the WQCC a few years ago of 39 micrograms per liter that expires at the end of this year. Their permit requires them to sample selenium at

their discharge, and with the data they've collected they have found that they do not meet the 4.6 and 18 micrograms per liter standard once the permit expires. On a map, she showed the dividing line between Segments 5 and 6, which is downstream of Burnt Mill. The Comanche Plant discharges to the St. Charles. She stated they have a power plant in the Metro area which has a similar situation and they have tried extensively to find treatment and, unfortunately, there isn't a lot of readily available treatment technology out there for selenium. It is very expensive. There hasn't been a commercially developed, reliable treatment system. The study they undertook starting in 2011 was basically a continuation of a regional study that the City of Pueblo did on selenium. The City had a much wider area. The City looked at stream segments on the St. Charles River. Public Service took their study and expanded it on the St. Charles and added more sites to it and also looked at its tributaries, Greenhorn Creek and Edson Arroyo. At those locations, they did water quality sampling and also looked at fish, macro-invertebrate sampling, and habitat.

Ms. Stephanie Baker, a GEI consultant, reported their study showed the concentrations of selenium increased in a certain portion of the St. Charles. It mostly happened downstream of the Edson Arroyo confluence with the St. Charles. It is believed it is coming from rising groundwater because while they were doing their sampling they looked for sources of selenium, any irrigation or turn flows, any seeps coming in from the bedrock, and any human induced activities that may have caused an increase in selenium. It appears the community discharge is having a dilution effect because the concentrations of selenium in their discharge are much lower than what they thought in-stream. The concentrations in-stream are lower downstream of their discharge. As a result of the aquatic life study, they did see that the fish communities and invertebrate communities are similar throughout the entire river at all of their sites. The only limiting factor may be flow during the fall season when the water is removed for irrigation and there is not much precipitation. Edson Arroyo comes in upstream of SC5 site. They observed higher selenium concentrations starting at SC5 and then going downstream. The spike was around SC6. There are consistently higher concentrations by SC6. They decided to look between that stretch and see what was going on. There was no obvious irrigation going on. There were some cows in the area, but there's no watering going on. There was also not a lot of urban development in this stretch, noting the houses are few and far between and nobody was watering their lawns and there was not a lot of water in this area. At the water quality sampling, the spike they talked about which was downstream of Edson Arroyo starts at SC5 and tops out at site SC6. They had one concentration at 640 micrograms per liter, which was higher than the chronic standard of 5. It is key to note that this is upstream of the Comanche discharge and the concentrations are lower downstream of the discharge. Obviously, it is not a discharge issue and there was no irrigation or urban development. It's clearly a natural source of selenium. They thought that because the concentrations were consistently high in that stretch even though there wasn't any surface flow connecting the pools that were remaining in the fall that it was groundwater uprising that was causing the increase in selenium concentrations in the area. The 85 percentile value for the selenium concentrations at SC6 shows a giant spike. Edson Arroyo comes between SC4 and SC5 and that is why they are proposing to split Segment 6 at Edson Arroyo. Concentrations upstream of Edson are attaining an underlying table standard value of 5. Around sites SC8 and SC9, the concentrations are still above table values.

Mr. Gabe Racz, Esq., Vranesh and Raisch, LLP, reported Regulation 31 provides for segment boundaries to be drawn where there is a significant difference in water quality.

Based on GEI's work by a sudden shift in selenium concentrations at Edson Arroyo, they have proposed that Edson Arroyo will be the dividing line between the two segments. As a result, Public Service Company is proposing to remove the temporary modification for Segment 6A and revert to the table value default standards for Segment 6A. For Segment 6B, Public Service has an ambient based water quality standard proposal of 55 micrograms per liter chronic without an acute standard. The basis for an ambient based standard is that ambient concentrations exceed table value standards that are caused by natural or irreversible human causes and that the concentrations are adequate to protect the uses of the water, in this case, aquatic life, because selenium is a standard to protect fish from harm. Finally, Public Service proposes to remove the temporary modification for both Segments 6A and 6B.

Mr. Racz addressed the questions raised by the County in its responsive prehearing statement filed on April 23rd. The County's comment was that Public Service had not proven that the causes of the elevated selenium in the Segment were natural or irreversible human induced. The question was whether irrigated agriculture might be a cause of elevated selenium in Segment 6. The irrigated agriculture is well downstream of the area where they are seeing the elevation in selenium. In addition, the WQCD raised some questions in their responsive prehearing statement and Public Service was aware of those questions and preemptively answered some of them in their responsive prehearing statement. There is a question whether total selenium is an appropriate standard or it should be based on dissolved selenium and whether there should be an acute standard for this segment. An alternative that would be acceptable to Public Service Company was calculated converting from the total selenium data that was available to dissolved selenium and that would result in a standard of 51 chronic and 175 acute. Public Service does intend to discuss this proposal with all parties including the WQCD and the County. He noted EPAC did support Public Service's proposal as proposed in the hearing notice.

It was moved by Nick Gradisar, seconded by Eva Montoya, and passed by a 9-2 vote, with Messrs. Hart and Pace opposing, to support Item 12 on the agenda, Public Service Company of Colorado's proposal regarding selenium standard and phosphorus/Chlorophyll a standards. (Note: Mr. Brown left the meeting before the vote was cast.)

Mr. Hart stated he wasn't going to support the proposal because he felt PACOG was rushing into the selenium issue. He felt staff needs the opportunity to talk about this matter.

ADJOURNMENT

There being no further business before PACOG, the meeting was adjourned at 2:42 p.m.

Respectfully submitted,



Louella R. Salazar
PACOG Recording Secretary

JOINT CITY COUNCIL AND BOARD OF COUNTY COMMISSIONERS' MEETING

Following the regular PACOG meeting, there was a joint meeting held between the Pueblo City Council and Board of County Commissioners to appoint members to the Pueblo Regional Building Electrical Board of Appeals and the Pueblo Human Relations Commission. The following persons were selected:

Pueblo Regional Building Electrical Board of Appeals:

Electrical Engineer/Journeyman Electrician Appointment – Kevin Warmack

Pueblo Human Relations Commission:

Joint City-County Adult Appointment – Reverend Gary R. Weaver

Joint City-County Youth Appointment – Anthony Vigil-Martinez

Both entities agreed to ratify the appointments at one of their future meetings.