

Monument Sanitation District, May 17

New directors sworn in; nutrients decision set for June 11

By Jim Kendrick

On May 17, two new directors were sworn in by Monument Sanitation District Manager Mike Wicklund. Don Smith and David Joss replaced Glenda Smith and Lowell Morgan, who were term-limited. Most of the meeting was devoted to Wicklund briefing these two new board members on current legislative and regulatory nutrient issues as well as the routine processes and procedures of district and Tri-Lakes Wastewater Treatment Facility board meetings and operations.

Board President Ed Delaney was absent. The other members of the board decided to delay election of officers until the June 21 meeting when all five would be present.

Nutrient hearing update

Wicklund briefed the board on how the seemingly routine Water Quality Control Commission (WQCC) agenda item for giving approval to the final edits of Control Regulation 85 and the nutrient amendment to Regulation 31 turned into a 2½-hour hearing that resulted in no

decision being made. The final decision was deferred to the June 11 commission meeting.

In addition to the commissioners offering yet more corrections to the very complex technical language of these regulations and their lengthier individual supporting documents called Statements of Basis and Purpose, the commissioners received the long-delayed input from Gov. John Hickenlooper that had been expected as well as new advice from EPA Region 8 administrator James Martin.

Martin's letter offered a lot of discussion and advice but never stated that there was a specific federal mandate to create specific stringent nutrient regulations for total phosphorus, total nitrogen, and chlorophyll a. However, Hickenlooper's letter stated that Martin's letter was a clear statement of a federal mandate to create and enforce nutrient restrictions, which exempts these regulations from Hickenlooper's own Executive Order 5 that prohibits the state government from imposing unfunded mandates on local governments like wastewater special districts.

These letters to the WQCC and the commission staff's advice regarding them is available at: www.cdph.state.co.us/op/wqcc/Hearings/Rulemaking/31_85nutrients/05142012Actions/WQCCactions.html

All the rest of the hundreds of official documents that were provided to the WQCC during the nutrients rulemaking process are available at www.cdph.state.co.us/op/wqcc/Hearings/Rulemaking/31_85nutrients/Nutrients.html

Rising operating costs will force higher fees

Wicklund advised the board that he will have a legal notice prepared that states the district reserves the right to sue the commission if these two regulations are ultimately approved and adopted by the governor.

Wicklund also advised the board that even though the implementation date for these two regulations may be deferred as requested by Hickenlooper until June 30, 2013, the Tri-Lakes Wastewater Treatment Facility must still further expand its monitoring and testing in Monument Creek upstream and downstream of the facility's discharge pipe for even more chemicals and forms of aquatic life as well as pay for the installation and operation of a pilot plant for chemical removal of total phosphorus. He stated again, as he has done in district meetings for the past year, that these direct short-term increases in plant operating costs will require monthly fee increases of at least \$5 per customer.

Wicklund said the direct costs for the subsequent required plant expansion capital and operational costs to treat total nitrogen to attempt to just partially meet the interim values in Reg. 31 will be 10 to 20 times as much as the \$5 fee increase required to start to treat total phosphorus and monitor results in Monument Creek.

For additional background on these costly and complex technical issues, see:

www.ocn.me/v12n5.htm#juc
www.ocn.me/v12n5.htm#msd
www.ocn.me/v12n5.htm#wwsd
www.ocn.me/v12n4.htm#cwqcc
www.ocn.me/v12n3.htm#nutrients

JUC update

Wicklund briefed the board on the defeat of state Rep. Marsha Loooper's bill, HB12-1161, by a 4-3 party-line vote by the Colorado Senate Agriculture, Natural Resources, and Energy Committee, after a very technical three-hour hearing on May 3. See the related article the May 8 JUC meeting on page 1 for more information.

New district rules and regulations adopted

Wicklund advised the board that engineering consultant firm GMS Inc. had completed the 2012 update for the district's rules and regulations. The latest update

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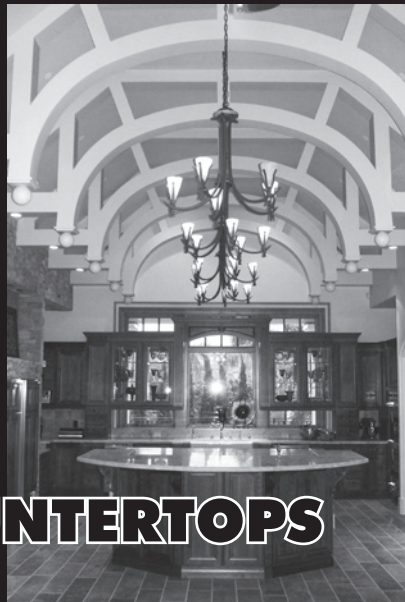
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