

new emergency service IGA between the two districts will also be put in place to replace the current IGA.

The state has directed Academy to shut down the operation of its existing wastewater treatment lagoons by 2018 because they will not be able to meet new tighter ammonia standards nor the new total phosphorus and total nitrogen limits of the state's new Control Regulation 85 and new Regulation 31.17. The Academy board determined that it was best and cheapest to pay for a lift station force main and connection to Donala for sewer services rather than build its own very small and costly state-of-

the-art replacement wastewater treatment plant or build a much longer and much deeper interceptor line to be able to connect by gravity to the Colorado Springs Utilities (CSU) wastewater treatment system at Northgate Boulevard.

A new Academy lift station will meter and pump all of Academy's sanitary sewer flows from Academy's existing collection system up over the ridge between the two districts to a Donala manhole. Academy's wastewater will then be delivered by gravity through the Donala collection system to the Upper Monument Creek Regional Wastewater Treatment Facility. Academy will pay Donala for wastewater treatment on a monthly fee for service basis. Academy will comply with Donala sewer use and pretreatment regulations.

Academy will pay a plant investment fee of \$889,700 to Donala. Academy will not purchase any of the treatment capacity of the Upper Monument Creek waste plant. Donala will maintain 70,000 gallons per day of its total share of owned Upper Monument Creek wastewater treatment capacity for the management and treatment of wastewater delivered by Academy. Academy has 286 single-family homes and the potential for 10 additional homes. There are no commercial uses within the district.

The fees charged to Academy will be based on Donala's cost of service analysis plus 10 percent. Academy sewer customers would initially pay \$33 per month for Donala's treatment of their wastewater based on the current Donala monthly fee of \$30 for 2016.

**Manager's report**

Petersen said he would continue to work with Donala's water attorney Rick Fendel on negotiating an extension of the district's service contract with CSU for transportation and treatment of Donala's Willow Creek Ranch renewable surface water once operations begin for the CSU Southern Delivery System. Approval of Donala's 1041 permit for use of the SDS pipeline is currently being delayed by Pueblo County as part of the controversy between the City of Colorado Springs and Pueblo County over stormwater issues. Petersen and Fendel are also working on a long-term extension of Donala's water storage contract with the federal Bureau of Reclamation for continued storage of Donala surface water in the Pueblo Reservoir.

Petersen said that the 2015 annual season for taking credit for Willow Creek Ranch renewable surface water is over. As of Sept. 1 Donala had 439 acre-feet of water stored in the Pueblo Reservoir. Donala's maximum annual decreed withdrawal amount is 499 acre-feet.

Petersen also reviewed Donala's options if 2016 Arkansas River flows are higher than the amount Pueblo Reservoir can store, as currently predicted due to higher

than average El Niño rainfall, and there is no space available for Donala under its annual contract that only allows the district to use the reservoir's unused excess storage capacity, if and when it is available. The Pueblo Reservoir was 63 percent full on Sept. 17.

Katie Fendel, the district's water engineer, reported that the state's Water Quality Control Division would be analyzing potential changes to interim stream standards in the state's Control Regulation 85 and Basic Standards Regulation 31.17 regarding the total phosphorus and total nitrogen. On Oct. 13 at an informational hearing, the state's Water Quality Control Commission directed the division to hold a full triennial review hearing in 2016 for making modifications to these two regulations regarding imposition of even tighter nutrient restrictions.

Fendel noted that most nitrogen is absorbed naturally by the aquatic life ecosystem in Cherry Creek before flows reach the Cherry Creek Reservoir.

The commission rejected the division's original recommendation to not hold a review hearing and make no changes to the two regulations. Also noted was that the existing biological treatments for phosphorus and nitrogen removal interfere with each other.

The meeting was adjourned at 3:36 p.m.

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The next board meeting will be a workshop at 9 a.m. Nov. 17 in the district conference room at 15850 Holbein Drive. Information: 488-3603 or www.donalawater.org.

Jim Kendrick can be reached at jimkendrick@ocn.me.

**Academy Water and Sanitation District, Oct. 27**

# May election will bring effort to eliminate TABOR limitations

By Susan Hindman

Facing TABOR restrictions on funding necessary for upcoming improvements to its wastewater system, the Academy Water and Sanitation District board approved a resolution for a ballot measure in May 2016 that will ask voters to eliminate those restrictions.


Because of Colorado's Taxpayer Bill of Rights (TABOR) amendment, problems arise when a governmental entity receives revenue such as grant money. In Academy's case, that money is needed to help cover the costs of pumping its wastewater into Donala Water and Sanitation District's system, which will transport it to the treatment plant off of Baptist Road that it co-owns with two other districts. The Upper Monument Creek Regional Wastewater Treatment Facility is equipped to meet new state standards for ammonia, phosphorus, and nitrogen. Academy's current lagoon treatment system can no longer meet these standards.

Around 300 residents will be shouldering the \$3.1 million in costs, so the district will be seeking funding from state and federal sources—which would look on paper like additional revenue and trigger TABOR requirements to refund a portion of that same money to residents. Passage of the ballot measure will allow the district to keep money from those funding sources.


Attorney Paul Murphy pointed out that, according to numbers from Colorado's Department of Local Affairs, 98 percent of school districts, 81 percent of counties, and 76 percent of special districts in the state have voted to eliminate TABOR restrictions.

The board also voted to approve Donala's recent amendments to the Intergovernmental Service Agreement, which means the two districts can now move forward with

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