

trient concentrations and effluent temperature, as well as how scheduled state hearings might change the actual regulations or the way the regulations are applied to discharger permit holders. The next WQCC nutrient reduction rulemaking hearing will be held on Oct. 10 for Regulation 31, "Basic Standards," and Regulation 85, "Methodologies for Surface Water and Nutrients Management Control Regulation." The commission will be ruling on the specific timeline that stricter total phosphorus (TP) and total nitrogen (TN) regulations will take effect, and he said it would be in the best interest of stakeholders to delay those implementations. See <https://www.colorado.gov/pacific/cdphe/wqcc-rulemaking-proceedings>

In 2022, a WQCC rulemaking hearing is scheduled regarding chlorophyll 'a' standards for all streams and lakes. And in 2027, it is likely that TP, TN, selenium, and ammonia standards will be on the table. "2027 will be a really tough hearing," Racz said. See www.ocn.me/v17n2.htm#tlwtf for more background.

Racz also described an incentive program still in development by the WQCC to encourage facilities to perform better than required by Reg. 85 limits before 2027. The reward for TLWWTF performing much better than the new Reg. 85 upper limits for total phosphorus removal could be an extended compliance schedule for their new total nitrogen permit requirements, and this could save money by delaying total nitrogen TLWWTF expansions. However, so far there are still multiple unknowns associated with this potential but still not approved incentive program that are making all Colorado wastewater treatment stakeholders wary about committing to participate.

The JUC consensus was to direct Racz to request "party status" for the October Water Quality Control Commission rulemaking hearing for the JUC, perhaps along with other stakeholder clients of Racz's, so that Racz would be eligible to make official comments for the JUC during the October WQCC nutrients hearing.

Racz also discussed next year's triennial Arkansas River Basin hearing and how its decisions on temperature standards for streams could affect stakeholders. He said at the triennial Gunnison and San Juan Basin hearings held on June 12 and 13 in Durango, the WQCC did not make much progress on what the allowed "shoulder season" (spring and fall) stream temperatures could be for various stream segments. Kendrick expressed concern about ways the commission makes unilateral decisions that do not allow for variations in widely disparate geographical conditions around the state, and he said, "that is why the Arkansas River/Fountain Creek Coalition for Urban/Rural River Evaluation (AF CURE) and TLWWTF keep collecting the data that will help to prove their 'innocence' as needed in the future." See www.ocn.me/v17n7.htm#tlwtfjuc.

Facility manager report

Facility Manager Bill Burks presented the discharge monitoring report (DMR) for May. As usual, there were no excursions from permitted limits. Strom said, "This plant is very well designed and does really good work, and we have really great operators running this plant and out in the districts."

Burks asked if he needed to keep reporting on TP contributions from each of the three districts, "Since the way the court case went, total phosphorus is not going to be an issue?"

Note: Burks was referring to the lawsuit filed in El Paso County District Court in 2015 by WWSD against MSD and PLSD over how the cost of the new TP chemical tertiary clarifier expansion would be shared. The judge's decision on May 23, 2016 said that all costs for the TP clarifier expansion be divided by equal one-third shares, instead of by percentages based on each district's proportional share of new total phosphorus treatment capacity; the district court judge interpreted the word "expansion" in the Joint Use of Facilities Agreement (JUA) to apply only to "flow capacity" expansions and not new "constituent treatment equipment" expansions like this new TP treatment constituent expansion. In their appeal on June 6, 2017, MSD and PLSD had cited "owned treatment capacity percentage" cost-sharing rules for constituent treatment expansions in Section 3 and Section 6 of the TLWWTF Joint Use of Facilities agreement. Three judges from the Colorado State Court of Appeals heard attorney

statements from both sides, and on June 16, the court of appeals released its decision to uphold the district court's decision, rendering moot these numerous paragraphs on cost-sharing for new permit-required constituent treatment capacity expansions by each district's owned (and significantly unequal) percentage of flow treatment capacity. www.ocn.me/v15n5.htm#tlfjuc0414, www.ocn.me/v15n6.htm#tljuc0512

However, Strom said it has not been totally resolved, so Burks was directed to continue giving the individual district's phosphorus contributions report until further notice. Burks said that for the year so far, Woodmoor contributed an average of 50 percent of the TP for the facility.

Financial report

As Burks presented the financial report, he commented that one unusual item was that MSD had just writ-

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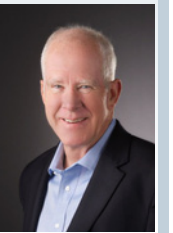
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