

Monument Sanitation District, April 19

# Strategy for legislative intervention on tighter nutrient regulations discussed

By Jim Kendrick

On April 19, Monument Sanitation District Manager Mike Wicklund briefed the board on the Colorado House's approval of the amended HB12-1161 bill sponsored by Rep. Marsha Looper (R-19) and co-sponsored by Sen. Steve King (R-12.) He also discussed plans for gaining support for the bill from the state Senate.

Wicklund noted that the engineering firm Tetra Tech had presented slides at the Tri-Lakes Wastewater Treatment Facility Joint Use Committee (JUC) meeting on the capital improvements necessary for meeting new total phosphorus limits (\$1 million) and partially meeting new total nitrogen limits (\$15 million) with available limits of technology equipment. He noted that no technology exists to meet the unattainable new state limits in the nutrient amendment to Regulation 31 nor the even less attainable tighter criteria requested by the EPA.

Tetra Tech also reported that the costs for operating the pilot plant for testing methods to be used for removing total phosphorus had raised to more than \$100,000, well beyond the amount budgeted. The JUC unanimously postponed pilot plant operations until 2013. Another temporary operating permit will have to be obtained from the state Water Quality Control Division because the previously approved permit will have expired.

Wicklund also noted that user fees will have to be increased eventually to cover these expenses as well as the new permanent Monument Creek monitoring requirements in the facility's new discharge permit.

See the related article the April 10 JUC meeting on page 1 for more details.

All members of the board were present.

### Legislative action on nutrients reviewed

Wicklund discussed the bill's original proposed require-

ment for the state Legislature to create a scientific advisory board to conduct a peer review of the controversial lack of a scientific basis for tighter limits on the nutrients total phosphorus and total nitrogen in the recently approved new state Control Regulation 85 and the new amendment to Regulation 31.

The purpose of the bill is to have the Legislature review the actions of the otherwise unaccountable Water Quality Control Commission because the bill mandates that cities, towns, and special districts that operate many of the 391 wastewater treatment facilities in Colorado spend a minimum of \$25 billion for just initial compliance for these two regulations.

The Water Quality Control Commission gave preliminary approval for these two regulations on March 14 at the end of a controversial three-day hearing.

For background on the complex technical issues that led to this hearing, see <http://www.ocn.me/v12n4.htm#cwqcc> and <http://www.ocn.me/v12n3.htm#nutrients>.

Wicklund noted that the House Agriculture, Livestock, and Natural Resources Committee amended the bill to eliminate the scientific advisory board because it would cost a minimum of \$163,000 and there was no support from Democratic Gov. John Hickenlooper or the Democratic majority in the Senate for funding this board.

The amended bill, passed to the Senate Agriculture, Natural Resources, and Energy Committee on April 18, called for the Legislature's Joint Interim Water Resources Review Committee to hold a public meeting on or before Oct. 1 to consider whether the proposed revisions to Regulation 31 and the new Control Regulation 85 for nutrients and chlorophyll-a:

- Comply with the Governor's Executive Order D

2011-005 that prohibits unfunded state mandates on local governments, including special wastewater districts.

- Reflect active stakeholder participation in the content of these new regulations.
- Consider the results of the cost-benefits study performed by the Colorado Water Resources and Power Development Authority on these proposed nutrient regulations.



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