

- Are restructured to avoid unnecessary regulation and minimize the fiscal impact to state agencies and local governments.
- Address basin-specific issues (e.g., South Platte River basin versus Ar-

kansas River basin).
 • Deliver a report on its findings by Nov. 1.
 HB12-1161 also requires both houses of the Legislature to approve a bill authorizing the implementation of these two regulations. The regulation "cannot take effect unless and until specifically approved by the general assembly acting by a bill."

The final version of HB12-1161 approved by the House on April 18 by a vote of 36-29 can be found at: http://www.leg.state.co.us/CLICS/CLICS2012A/csl.nsf/fsbillcont3/6F619450AD9CF93287257981007F3AFA?Open&file=1161_ren.pdf

The revised fiscal note for HB12-1161 for this approved bill can be found at: http://www.leg.state.co.us/clics/clics2012a/csl.nsf/fsbillcont3/6F619450AD9CF93287257981007F3AFA?Open&file=HB1161_r2.pdf

Arguments for Senate passage
 Wicklund also described what he believed would be the narrow approach that the Colorado Nutrient Coalition and the Colorado Rural Communities Coalition will use to try to persuade the Democratic Senate to support HB12-1161. Wicklund reviewed the following arguments that would be presented at the Senate Agriculture Committee hearing on May 3.

The enormous, long-term costs of

nutrient control

The Water Quality Control Commission committed the state to spend billions on nutrient control in the coming decades. The commission adopted two nutrient regulations: the short-term effluent limitation Control Regulation 85 and the long-term interim values in Regulation 31. The short-term costs for Regulation 85 will be approximately \$2.5 billion to implement. The "interim values" in Regulation 31 that will be phased in starting in 2022 will cost \$25 billion.

Although the regulations delay implementation of nutrient controls for many wastewater treatment facilities, this merely puts off the enormous expenses, it does not eliminate them. Eventually, all dischargers will have to implement costly nutrient controls. Publicly Owned Treatment Works (POTW) operators want to protect state waters from pollution. They protect public health every day by properly treating wastewater.

But implementing expensive treatment technology requires a demonstrated environmental benefit, or it makes no sense and will be counterproductive. Nutrient control is a long-term issue, and these regulations that the Water Quality Control Commission adopted leave numerous significant scientific and economic questions unanswered.

1. How will the state pay for nutrient control in the short term?

- Lack of a "federal mandate" from the EPA makes the new nutrient regulations subject to Executive Order 5 and the state's unfunded mandate statute. What will the state's reimbursement process be for special districts, towns, and cities that lack the resources to finance over \$25 billion in new capital construction plus interest?
- The state Water Quality Control Division said it cannot meet its existing statewide monitoring responsibilities for most regulated parameters. Where will the resources come from to meet those requirements plus the huge added burden of nutrient monitoring?
- The State Revolving Fund already has an enormous funding backlog of well over \$3 billion under existing regulations. How will the fund finance an additional \$2.5 billion for Regulation 85, much less an additional \$25 billion for Regulation 31 nutrient control? What other sources of funding are available?

2. How will the state address the long-term fiscal and environmental costs?

- Treating total nitrogen down to the levels required by the "interim values" in Regulation 31 is currently impossible.
- Only reverse osmosis even gets close

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