

to treating nitrogen to the necessary levels, but comes at enormous cost. How will the state pay for it?

- How will we address the environmental costs of treatment, including enormous energy demands, brine disposal, and the loss of about one-third of the treated wastewater due to its remaining toxicity?

**3. How will we address site-specific technical challenges?**

- Statewide monitoring and analysis must begin in less than a year under these new regulations. How will we pay for the development of as yet undetermined site-specific standards before 2022?
- Site-specific standards and variances will be vital to avoid costly and unnecessary treatment, yet there is no guidance for developing them.
- How will special districts, towns, and cities address the effects of their individual nutrient treatments on state waters downstream, such as the reservoirs at the borders of the state?

**4. How will nutrient controls for stormwater and agriculture work? How will trading work?**

- Regulation 85 does not create any enforceable standards or controls until 2022 for non-localized stormwater discharges and agricultural discharges with nutrients that enter state waters along its shore line rather than through the end of a single discharge pipe for a wastewater treatment facility, which is also called a point source. Where will the funding for voluntary and mandatory nonpoint nutrient control programs for stormwater and agriculture come from?
- The Regulation 85 statement of basis and purpose states that, unless the division receives additional resources, the review of trades will not occur "expeditiously," especially for trades involving nonpoint sources. Where will this necessary funding come from to enable sizeable cost reductions?

- How will trades that implement agricultural controls work, since most agriculture occurs downstream of the major point source discharges?
- How will trades be affected by the timing of nutrient contributions to the stream?

**The case for an independent scientific review**

Parties to the rulemaking before the commission presented detailed scientific reviews and testimony from internationally recognized experts who identified major scientific and statistical errors in the division's

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