

approach. Despite this, the Nutrient Coalition counted at least 24 issues that were ignored or inadequately addressed in the hearing process. The commission never addressed concerns about major unsupported scientific and regulatory conclusions underlying proposed nitrogen control in all waters.

POTW operators supported HB1161 for an independent scientific review of the nutrient regulations, to promote a rigorous and fair decision-making process. POTWs are willing to fund scientific peer reviews, and want to see this type of review receive a recognized place in the process. An independent review is necessary to ensure that billions of dollars in state resources are not wasted.

### Wastewater monitoring

In other matters, Wicklund reported on the progress made to date by the Pikes Peak Area Council of Governments workgroup that is setting up a monitoring coalition for Fountain Creek and Pueblo wastewater entities. This new monitoring coalition will be modeled after the South Platte Coalition for Urban River Evaluation. Its tentative purpose is to collect and post a wide variety of data collected by wastewater facilities to determine stream health and nutrient loading from the Tri-Lakes facility down to Pueblo and in the Arkansas River from the Pueblo Reservoir John Martin Reservoir.

Collection of these data will be required by Regulations 85 and 31 starting in 2013 and will be useful for wastewater

entities when they file for site-specific variances and exemptions from the unattainable limits called for in these new nutrient regulations in the future.

Wicklund also noted that scheduled collection line cleaning for 2012 had been completed and that the 2011 district audit and the separate final "yellow sheet audit" for the \$2 million American Recovery and Reinvestment Act loan for the Wakonda Hills collection system expansion are scheduled to begin in May.

Wicklund will also begin an investigation into options for creating wetlands within the district in the protected Preble's mouse habitat downstream of the Tri-Lakes Wastewater Treatment Facility that could help further mitigate nutrients in upper Monument Creek.

The district has collected tap fees for two new homes for a total of \$18,000. The 2012 budget forecast tap fee revenue of only \$10,000. Two other similar new homes will be constructed by the same builder later this year, so tap fee revenue will exceed the budgeted revenue even more.

The meeting adjourned at 8:43 p.m.

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The next meeting will be held at 7 p.m. on May 17 in the district conference room, 130 Second St. Meetings are normally held on the third Thursday of the month. Information: 481-4886 or the web site addresses noted above.

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

### Academy Water and Sanitation District, May 2

## Couple's exclusion petition approved

By Susan Hindman

After a several-year-long effort to get legally excluded from the Academy Water and Sanitation District, Carole and Ray O'Mara finally got their wish. The board agreed to let the homeowners leave, following negotiations between their respective lawyers.

The O'Maras have both well and septic on their property, and although they have not used the district's services, they have been paying service fees and bond payments for the past dozen years. The reasons for this are complicated, and the board wrestled with the implications for the district.

After agreeing to specifics regarding the well, the sticking point became money.

The district hoped to recoup some of the legal and engineering fees it has incurred during the couple's exclusion petition process. But Chris Cummins, the O'Maras' lawyer, disagreed and reminded the board of the "potential legal risk to the district if you don't take the action that the O'Maras are asking you to take," which would lead to more fees that likely would not be recoverable.

Director Ron Curry responded, "We've had enough counsel that I believe if we chose to refuse the exclusion, there's merit to that. We feel we are giving up quite a bit, too. Future income, part of our customer base.... I would think it would also be to the O'Maras' advantage to avoid all this litigation.... So if money

is the only sticking point, let's figure out something that works for both parties and be done with it."

The board went into executive session to discuss financial negotiations. Following that, Cummins and Paul Murphy, Academy's lawyer, discussed options privately. The O'Maras will pay the district \$700 to cover some of the costs incurred; the couple has already paid the district \$300 for other fees.

### Next step, a letter

Engineer Roger Sams of GMS discussed a draft letter to the Donala Water and Sanitation District, which he prepared for the board, which poses questions related to connecting with its wastewater treatment operations. The connection is one of three options the district is looking at as it works to address more stringent state regulations controlling wastewater effluent.

### Water main break

While there was nothing new to report on the progress of the district getting a website, Curry noted that it would have been great to have the site up when the

water main break occurred on April 7. A leak surfaced at Tari Drive and Sun Hills Drive, which wound up shutting down the entire system for 22 hours. R&R Ditching worked to repair the leak, but because the distribution line was an odd size, it required a specially made tap that had to be delivered.

### Incumbents return for another four years

Directors Richard DuPont, Jim Weibrenner, and Curry were sworn in for new four-year terms. At the March board meeting, Curry, who is the district's election official, announced he had canceled the election because no new candidates had stepped forward to run.

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The Academy Water and Sanitation District board usually meets at 7 p.m. the first Wednesday of every month at the fire station on Sun Hills Drive. The next meeting is June 6.

Susan Hindman can be reached at susanhindman@ocn.me.

### Monument Board of Trustees, April 16

## Comcast agreement amended to match Century Link's

By Jim Kendrick

On April 16, the Monument Board of Trustees unanimously approved an ordinance making minor changes to the town franchise agreement with Comcast for its cable system to make it identical to the new franchise agreement the board approved for Century Link on March 5. The two franchise agreements now run for 10 years with a flat fee of 3 percent of annual gross revenues from the cable systems and an option to extend the agreements for another five years.

More details on the approval of the CenturyLink agreement are available at [www.ocn.me/v12n4.htm#bot0305](http://www.ocn.me/v12n4.htm#bot0305).

Trustees Rafael Dominguez and Tommie Plank did not attend this meeting. Both are stepping down from the board, along with Gail Drumm. The last meeting for these three will be on May 7, when the new trustees elected on April 3 will be sworn in for four-year terms. The new trustees are Jeff Bornstein, Becki Tooley, and John Howe.

### Comcast Internet Essentials program availability

David Sered, Comcast's director of Governmental Affairs, discussed the new Comcast Internet Essentials program that will be provided in Monument for lower-income families with children who receive free or reduced-price school lunches. Comcast will provide Internet service for \$9.95 per month, a low-cost computer for \$149.95 plus tax at initial enrollment, and free in-person/online/print training.

In addition to expanding the eligibility criteria, Comcast has:

- Doubled the speed of the program's broadband connection to 3 Mbps downstream and 768 Kbps upstream.
- Arranged with community-based organizations to purchase Internet Essentials to reach more eligible households.
- Streamlined its approval process to include instant approval of students in schools with high lunch program participation.
- Expanded online and in-person digital literacy training.

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