

ing formula has not been finalized yet. Ten wastewater treatment entities are participating in the monitoring at this time, and up to another 10 entities could be solicited to participate, plus other entities that are not part of PPACG or the Fountain Creek watershed but affect nutrient levels in the Arkansas River.

Burks, Wicklund, and Jim Kendrick, Operations, Monument Sanitation District, gave an hour-long technical explanation of the purpose and likely indefinite operational costs of the new monitoring group. The group is similar to the long-established South Platte Coalition for Urban River Evaluation (SPCURE) program. SPCURE has been in operation for over a decade and all its data are accepted by the state Health Department, the EPA, and the U.S. Geological Survey. The annual cost for SPCURE operations is \$115,000, but SPCURE monitors a longer stream segment.

They also explained failed state legislation to prevent or limit imposition nutrient limitations and the need for all wastewater entities in the Fountain Creek watershed to monitor background naturally occurring nutrient and metal runoff as well as source runoff from agricultural sources that dwarfs wastewater plant nutrient contributions to the watershed.

Kendrick reminded all in attendance that the Tri-Lakes facility is not a small facility even though the Tri-Lakes facility's service region is perceived by most to be made up of small towns and a small

residential subdivision. The Tri-Lakes facility is in the mid-range of the 45 largest plants in the state—actually in the top 10 percent—due to its rated capacity of 4.2 million gallons per day (MGD). State regulations define the 109 facilities rated at over 1.0 MGD as large facilities. There are 45 state plants rated at over 2.0 MGD. There are 391 wastewater treatment entities in Colorado, and most have a rated capacity under 1.0 MGD. Because Tri-Lakes is classified as a large facility by the state, the new monitoring requirement and its increased operating costs are permanent.

Furthermore, the monitoring data will always be necessary to apply for any future discharger specific variances because Monument Creek has a sandy bottom that does not support aquatic life. So the facility will always be well below the state standard for average aquatic life density, the metric that the state uses to determine if there are excessive nutrients in a stream.

The Upper Monument Creek Regional Wastewater Treatment Facility, about 3 miles south of Tri-Lakes, has a rated capacity of 1.75 MGD and would have been treated the same as Tri-Lakes under the initially proposed Reg. 85 exemption limit of 1.0 MGD, for small facilities. However, Gov. John Hickenlooper formally requested the Water Quality Control Commission to increase the Reg. 85 exemption threshold to 2.0 MGD and the higher exemption limit was adopted on June 11.

Tri-Lakes has an average flow of

about 1.1 MGD and peak flows of about 1.5 to 1.6 MGD—over 1.0 MGD but much less than the Hickenlooper threshold of 2.0 MGD. Only a plant's rated capacity is used to determine which parts of state regulations apply, because actual flows are so variable.

The original and Hickenlooper Reg. 85 exemptions are not included in Reg. 31. These exemptions will be superseded and voided when Reg. 31 nutrient limits take effect in 2022. This will aggravate the difficulty in getting discharger-specific variances for naturally occurring but still “deficient” Monument Creek aquatic life densities, necessitating data collection. Some exceptions could apply as early as 2017 if changes are made in the next Arkansas River basin hearings in early 2013 regarding impaired water classifications in the next revision of the basin Regulation 303D impaired stream segment list. This list involves waters that have excessively high levels of constituents that are deemed to be polluting in specific stream uses (such as fishing and wading.)

Even though the Tri-Lakes facility has no detectable arsenic in its effluent,

adding Monument Creek to the 303D list at the spring hearing could allow the state to impose even tighter arsenic restrictions on Monument Creek and new unplanned capital costs on the Tri-Lakes facility for arsenic removal and additional in-stream monitoring for arsenic.

Smith and Schwab asked for a delay in the decision to reimburse Monument \$500 each so they could present Burks' request to their district boards.

Burks, Wicklund, and Kendrick asked everyone in the room, particularly the other district managers, to attend the next monitoring group meeting at PPACG on Aug. 9, to be better able to plan for the unavoidable monitoring costs that must be added to their 2013 budgets.

The meeting adjourned at 11:40 a.m.

The next JUC meeting will be held at 10 a.m. on Aug. 14 at the Tri-Lakes facility's conference room, 16510 Mitchell Ave. Meetings are normally held on the second Tuesday of the month. Information: 481-4053.

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

Triview Metropolitan District, July 10

Steve Remington's role clarified as “unpaid advisor”

By Jim Kendrick

During public comments at the July 10 meeting, the Triview Metropolitan District board clarified the role of the former board secretary/treasurer, Steve Remington, at the request of Our Community News (OCN) reporter Jim Kendrick. The consensus of the Triview board, after some discussion with Triview attorney Gary Shupp, was that his current title is “unpaid advisor.”

At the end of the July 10 meeting, the Triview board interviewed his wife, Valerie Remington, in executive session a second time for the position of district manager, which has been vacant since mid-November. Valerie Remington was first interviewed in executive session by the Triview board members after one minute of open session during the June 19 special board meeting, as reported on page 14 of the July 7 edition of OCN.

All five board members were present at the July 10 meeting.

An article titled “When Public Entities Hire” on page 15 of the July 2012 edition of the magazine SDA News includes these statements about special district hiring of new employees:

“The Open Meetings Law (OML) requires that gatherings of the district board ... must be open to the public, with advance public notice. Realizing that full public access may not be in the best public interest in certain identifiable situations, the General Assembly made allowances for “executive sessions” behind closed doors. Interviewing job candidates is not, however, one of those situations requiring confidentiality.”

“The OML allows for the public body to meet in an executive session that is not open to the public to discuss “personnel matters,” but this personnel matters exception does not extend to job applicants or others who do not have the status of a district employee.”

For more information see: <http://www.sdaco.org/news/when-public-entities-hire>.

OCN public comment

During public comments on July 10, OCN reporter Jim Kendrick told the board he had elected to refer to Steve Remington as a Triview “consultant” in his OCN article on the June 19 Triview Board meeting. The board had never discussed what Remington's role should be called during a public Triview board meeting after he chose not to run for re-election and had stepped down from being secretary/treasurer of the board in May.

Kendrick told the board Steve Remington had sent him an email after he read the article on the June 19 Triview board meeting. Remington expressed concern about Kendrick's use of the word “consultant.” In that June 19 article, Kendrick also noted that Valerie Remington was interviewed by the board in executive session. Steve Remington requested a correction regarding use of the word “consultant” to characterize his current role with Triview regarding refinancing of both CWRPDA loans.

Kendrick asked the board members what other title would be appropriate regarding Remington's current role. When there seemed to be no consensus among the board members on what title should be used, Kendrick asked the directors if the correct term would be “agent” or “representative.” Triview attorney Gary Shupp suggested the word “advisor.” Board President Bob Eskridge said, “Advisor” works.” There was no comment or objection from the other directors. Shupp said the word “volunteer” should also be used.

OCN will now refer to Remington as an “unpaid advisor” to the Triview board.

Some of the things Remington wrote to Kendrick in his first email were:

“I am not a consultant, I have no agreement with Triview, and I do not get paid by Triview. Prior to my leaving the Board, I volunteered to help get information on the refinancing. Since no one else was taking it on, I gathered some basic information and presented it to the Board at the last meeting. As you know when I asked them about any next steps, there was

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