

being funded by transfers from other programs.

Wicklund noted that at the start of the division stakeholder meeting on Feb. 10, CDPHE Director of Environmental Programs Martha Rudolph and Water Quality Control Division Executive Director Steve Gunderson stated that they were surprised and caught off guard by Hodge's bill and would not increase fees for two years. This would mean no increases in fees until FY 2016-2017, which is contrary to the fiscal note statement in the paragraph above.

Wicklund listed the various issues where there was consensus from about 100 stakeholders—representatives of sanitation districts and wastewater facilities—attending the Feb. 10 meeting and another 40 stakeholders on the phone regarding SB 14-134:

- Few of the the governor's unpaid political appointees serving as commission members are equipped to evaluate the costs and budget of the division when determining annual fee increases for dischargers. They are not accountable to citizens during elections.
- There is not enough time available during scheduled meetings for the unpaid commissioners to provide oversight of division operations.
- There is no requirement in the bill for complete disclosure by the division to the commission on the status of the budget—including number of employees, their salaries, overhead, time required for performing all mandated tasks, or analyzing other measures of efficiency.
- There is no requirement that the staff of the Joint Budget Committee review the division's budget or proposals for annual fees.

- No Joint Budget Committee staff members are assigned to the commission to assist the commissioners with review and oversight of the division budget.
- In the absence of commissioners capable of making the necessary economic analyses, the regulated community is at significant risk that the commission would be given a blank check by this bill to increase fees without justification.
- The existing economic burden on small sanitation districts and wastewater treatment facilities due to state-mandated treatment plant upgrades, increased monitoring and sampling requirements, and the increased diligence required of districts with staffs of just two or three people to participate in increasingly complex stakeholder and rulemaking proceedings continue to be unfair.
- The division has so many experts in so many areas that the regulated dischargers are out-manned, particularly the small districts.
- The CDPHE staff is concerned about the blowback they would get should SB 14-134 become law, which would result in even less trust and cooperation from the regulated community.
- As is evident in the fiscal note, the Joint Budget Committee staff is trying to set up a withdrawal of General Fund money paid by all taxpayers from the programs (about 18 percent of the program's funding) with the balance made up of cash funds solely from water and wastewater permit holders.
- The regulated wastewater community contributes only 36 percent of the waste that enters state waters while

the other 64 percent comes from non-point sources that are not subject to division regulations or fees.

- Everyone should pay to treat state waters through general fund support of the division approved with the oversight of accountable elected members of the general assembly, rather than the governor's unpaid political appointees who are not accountable to the citizens during elections.

Wicklund noted that he immediately spoke directly with Rudolph, Gunderson, and Gunderson's deputy, Dick Parachini, after the stakeholder meeting to directly express the concerns of about 300 small districts statewide that Wicklund had represented during nutrient stakeholder meetings as a spokesman for the Colorado Nutrient Coalition and Colorado Rural Communities Coalition.

Financial report

Facility Manager Bill Burks noted a \$3,000 bill from J&K Excavating Co. for repairing facility manhole lids and rings on Mitchell Ave. that were damaged when Town of Monument snow-plow blades hit them.

District managers' reports

Wicklund noted a crack in a pipe for a lift station pump had been repaired and that the digital transducer sensors that will more reliably control pump operations in the district's lift stations will be installed later in February.

Palmer Lake District Manager Becky Orcutt reported that her district board would hold a public hearing on an inclusion petition from the landowner of the Lake of Rockies vacant residential parcel on the evening of Feb. 11. For more information on this issue, see the Palmer Lake Sanitation District article on page 13.

Monument Sanitation District, Feb. 20

District parking spaces on Washington Street preserved

By Jim Kendrick

On Feb. 20, District Manager Michael Wicklund briefed the Monument Sanitation District board on the final resolution with the town to preserve all of the district's parking spaces on Washington Street, adjacent to the west end of the district building, using an intergovernmental agreement. The town was given a license to place public seating to create an additional gathering space in front of the district conference room at the district building.

The district board had approved the agreement on Dec. 10. The Monument Board of Trustees approved the agreement on Feb. 6.

All board members were present at the meeting.

Parking preservation legal costs continue to mount

The most recent district payment to the commercial trial lawyer firm of Mulliken Weiner Berg & Jolivet P.C. for legal work regarding the district's on-street parking issues with the town was \$1,171, for a total to date of \$6,258.

The district's costly three-month negotiations by attorney Steve Mulliken with the town for an intergovernmental agreement settlement on long-existing on-street and off-street parking spaces adjacent to the district building have resulted in a reversal of the town initiative to eliminate six existing parking spaces on Washington Street adjacent to the west side of the district building at 130 Second

St. The district agreed to the loss of three on-street parking places in front of its building.

The settlement will preserve all six of the district's Washington Street parking spaces on the west side of the district building as endorsed by the town's own engineering consultant Bob Torres of Jacobs Engineering, who helped prepare all the engineering documentation for the town's sidewalk construction grant.

The settlement calls for four parallel spaces to replace the seven angled spaces in front of the building on Second Street. The town will receive a 2.5-foot easement adjacent to the west side of the building for construction of a 5-foot-wide sidewalk adjacent to the building and west-side driveway. The town will receive a 10-year license to place town chairs

Plant manager's report

Burks noted that the Tri-Lakes plant had been running efficiently and that there were no unusual test results in the December 2013 Discharge Monitoring Report that is submitted each month to the Colorado Department of Public Health & Environment. Biosolids were removed at a rate of 99 percent, and total suspended solids were removed at a rate of 98 percent. The required removal rate for both is 85 percent. The quarterly whole effluent toxicity test results showed no toxicity in the plant's discharged effluent.

Burks stated that the plant lost power for about an hour one time in December, but no problems were noted during treated effluent testing. There was a general discussion of new regulatory problems that have emerged due to much tighter EPA regulations on diesel emissions from standby electrical generators nationwide for all utilities.

Burks noted that the Tri-Lakes plant could act like a gravity lagoon system to capture all biosolids for a few days with manual mode operations during a complete multi-day electrical failure. He noted that potable water would not be provided in quantity throughout the local region by the towns and water districts during a massive power outage, greatly reducing the wastewater load on the plant. The availability of diesel fuel or a contract for a rented portable generator to be provided during an emergency is doubtful as well. In some areas, the use of diesel backup electrical generators is now prohibited, even by hospitals.

During the weeks when overnight temperatures dropped to minus 19 degrees, the skimmers in the clarifiers had to be turned off due to ice formation. A

shear pin broke and was replaced when the weather warmed up.

The first payment to engineering consultant Tetra Tech for planning and design work was about \$3,000 and will be credited toward the facility's 20 percent match in order to receive the state's 80 percent contribution of \$80,000.

AF CURE meeting report

Burks noted that meetings of the Arkansas and Fountain Coalition for Rural/Urban River Evaluation (AF CURE) continue to focus on how to submit monitoring data to the Colorado Data Sharing Network in the constantly changing different template formats that are now being required. AF CURE will forward the data to the division and EPA to meet the new requirements of state Control Regulation 85.

The meeting adjourned at 11:15 a.m.

After this JUC meeting, Sen. Hodge agreed to a motion to kill her bill during the weekly Senate Appropriations Committee meeting held on Feb. 21. Hodge noted the widespread concern throughout the state regarding this bill and the desire of all affected parties to participate in a division stakeholder process to ensure that the staff recommends a fair and equitable fee structure. A motion by state Sen. Kent Lambert to postpone SB 14-134 indefinitely was passed unanimously.

The next meeting will be held at 10 a.m. on March 11 at the Tri-Lakes facility's conference room, 16510 Mitchell Ave. Meetings are normally held on the second Tuesday of the month. Information for these meetings is available at 481-4053.

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

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