

December.

- Construction bid opening will occur in February.

Burks stated that adding the proposed new blower would increase the plant's rated capacity for treating organic biosolids from 5,600 pounds to 9,000 pounds per day.

Wicklund asked Tamburini to actively reject the division's reversal in proposing copper limits of 9.8 µg/l on average and 15 µg/l maximum and demand the EPA-approved limits of 16 µg/l on average and 25 µg/l maximum. He told Tamburini that the Tri-Lakes facility was not designed to remove copper in 1998 because no such copper limits were in place nor expected to be imposed at that time. The facility cannot meet the copper limits that Tamburini stated would be imposed by the current fac-

ity discharge permit.

On Oct. 8, 2013, Foster recommended that the JUC seek an immediate renewal of its facility discharge permit to lock in the 16 µg/l on average and 25 µg/l maximum that the EPA had approved in June 2013. The JUC directed Burks to apply for a permit renewal by the end of 2013 with this condition. Burks did, and those permit negotiations are still underway.

See <http://www.ocn.me/v13n11.htm#juc> for more details on these copper permit limits.

Wicklund and Palmer Lake District Manager Orcutt stated that their districts would have to borrow the money to pay their share of the unanticipated \$863,000 Phase 1 cost increase.



Above: Monument Sanitation District Manager Mike Wicklund surveyed Monument Creek from Arnold Road to Baptist Road on July 13 to document the amount of algae, periphyton, and beaver dams. He reported the results of his survey to Tri-Lakes Wastewater Treatment Facility Joint Use Committee on Aug. 12. *Photo by Jim Kendrick.*

There was no discussion about how their unequal amounts of phosphate loading of the Tri-Lakes plant would be measured or how their unequal chemical costs for phosphate removal would be divided on monthly invoices. The unequal monthly flow and organic biosolids loadings for the three districts are measured and billed separately by Burks each month. Burks uses complicated court-ordered procedures contained in the facilities joint use agreement. For example, the current division of operational sludge removal costs is 57 percent for Woodmoor, 25 percent for Monument, and 17 percent for Palmer Lake.

While phosphate loading may be roughly similar in proportion, measurements for each district will have to

be taken to establish phosphate baselines before chemical phosphate removal begins to develop a separate phosphate treatment cost-sharing formula, if it turns out to be a requirement.

Foster retiring

Environmental attorney Paul Anderson said that he would be taking over the clients from the long-standing individual private legal practice of the facility's long-standing environmental attorney Tad Foster, who is retiring in 2015, in his own separate individual legal practice. Anderson has practiced environmental and water rights law in the Pikes Peak area for 25 years. Anderson also noted that he does not know anyone with Foster's depth of water quality experience, adding that Foster will remain available to him for future consultations on water quality representation.

Anderson briefed the board on his representation of Lower Fountain Sanitation District in extended lawsuit negotiations with Colorado Springs Utilities regarding CSU's Clear Springs Ranch wastewater treatment facility. Monument Sanitation District Manager Wicklund explained the role he played as president of the Pikes Peak Area Council of Government Water Quality Management Committee in Anderson's legally complex negotiations for the Lower Fountain Metropolitan Sewage Disposal District with CSU.

Anderson also explained EPA's proposal to call all water bodies in the country "waters of the U.S." and thus be subject to EPA regulation including individual home ponds with no inlet or outlet for flows to other water bodies. He noted that "seasonal mud holes" are not navigable waters—the long-standing requirement to be called a "water of the U.S." to date. However, the EPA has published a draft "connectivity report" that asserts all water bodies are connected to navigable waters, if not continuously, at least due to flooding. To date, the EPA's

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