

MSD's lawyers advised disapproval because the final percentages of each owner district's share of Tri-Lakes expansion costs had not been settled and MSD board approval of the one-third cost sharing listed in Note 11 of the JUC-approved 2015 final budget could be used against MSD in court by Woodmoor as evidence of Monument's willingness to pay a third of the TP costs.

Also, Don Smith stated that Monument cannot afford to pay one-third of the cost for the new TP removal chemical clarifier expansion due to several cost overruns already added throughout 2014 by Tetra Tech RTW, the facility's engineering consultant firm, especially Tetra Tech's prediction of yet another 30 percent overrun during the bidding process in 2015.

Tri-Lakes Facility Manager Bill Burks based the 2015 Tri-Lakes facility budget on splitting the TP constituent expansion construction costs in thirds for the new chemical total phosphorus removal tertiary clarifier expansion, despite several requests from MSD to also show a split by treatment capacity ownership numbers, which are different because Woodmoor has over three times the number of customers of both Monument and Palmer Lake.

MSD's position, as stated at several previous JUC meetings, is that each district should pay the same percentage of the cost of expansion for the new facility discharge permit treatment requirement to remove the in uent constituent total phosphorus as the percentage amount of each owner district's currently owned treatment capacity for hydraulic flows and removing biosolid (BOD) wastes, and that each owner district should own this same percentage of the new maximum chemical total phosphorus treatment capacity of 264 pounds per day (ppd) being created by the expansion. This new rated capacity was just recently reduced from Tetra Tech RTW's initial maximum rating of 280 ppd by Tetra Tech RTW engineer Steve Tamburini.

The existing allocation of owned hydraulic capacity as well as biosolids treatment capacity and any other new constituent treatment capacity is specified in Section 3 of the Tri-Lakes facility's Joint Use of Facilities Agreement, which controls facility operations and funding of plant expansions for ownership of new treatment of constituents:

- Woodmoor – 64.28 percent
- Monument – 19.79 percent
- Palmer Lake – 15.93 percent

MSD also believes it is fairest to all wastewater ratepayers in the Tri-Lakes facility service area if the three

owner districts receive these same percentages of the \$1 million state grant for design and construction of the new total phosphorus treatment expansion:

- Woodmoor – \$642,800
- Monument – \$197,900
- Palmer Lake – \$159,300

Woodmoor's position is that each district should pay one-third of the estimated \$2.32 million construction cost of the new total phosphorus treatment equipment expansion for this new state and federal nutrient requirement, even though Woodmoor would still own 64.28 percent of the new total phosphorus treatment capacity of 264 ppd, or 180 ppd. Woodmoor's position, which is based on Section 7 "Repair or Replacement" of the Joint Use of Facilities Agreement, would require Monument ratepayers to pay \$314,128 for 13.54 percent of the 264 ppd capacity (35.75 ppd) that would then be given by Monument's ratepayers to Woodmoor's ratepayers.

Likewise, Palmer Lake ratepayers would be required to pay \$403,680 for 17.40 percent of the 264 ppd (45.94 ppd) that would also be given by Palmer Lake's ratepayers to Woodmoor's ratepayers. Woodmoor's position is that all three districts would receive one-third of the \$1 million state design and construction grant to reduce their equal individual \$733,333 costs by an equal individual grant share, \$333,333 each. The net district cost by thirds would be \$440,000 for each of the three owner districts.

However, if each district pays an equal one-third share of costs, the net cost for each of Woodmoor's 3,470 customers for the project would be \$127, while the net cost for each of Monument's 1,210 customers would be \$364 and the net cost for each of Palmer Lake's 1,100 customers would be \$400.

Wicklund has stated at several recent JUC meetings, and again at this Dec. 9 meeting, that MSD's position remains that if it has to pay a third of the total phosphorus treatment expansion cost of \$2.32 million (\$733,333), it should own a third of the new 264 ppd of rated total phosphorus treatment capacity, which is 88 ppd. However, no total phosphorus treatment equipment is being repaired or replaced, a condition for applying cost-sharing by thirds in the Joint Use of Facilities Agreement per Section

7. MSD believes that if it is to own only 19.79 percent, or 52.25 ppd of the new total phosphorus expansion's rated treatment capacity, rather than 88 ppd (a third), then Monument should only pay 19.79 percent of the estimated \$2.32 million construction cost, or \$459,128. This amount is \$274,205 less than \$733,333 each that

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