

would even come up—is thinking that Monument is saying it's not going to pay. That is a ridiculous stupid thought. Monument has never said it won't pay. It has always said it would pay its 19.79 percent. It's in previous minutes and how that idea ever came out that Monument wasn't going to pay—there's something goofy about that, I mean really goofy. I don't know. Where did you figure that out, Bill, that Monument wasn't going to pay anything?"

Burks stated, "I got an email from Jessie (Shaffer) asking me if we needed to alter that (contract)." Wicklund asked Burks, "Did you think to call us?" Burks said, "No. I was going to bring it up at the meeting. That's why I'm doing it." Wicklund then asked, "Did we ever say we wouldn't pay? Why wouldn't Monument be on the contract?" Burks replied, "I was asking the question because you didn't reach an agreement I guess with Woodmoor on how you were going to pay for it." Wicklund replied, "Woodmoor didn't reach an agreement with us, Bill. I think you have that twisted."

Don Smith noted that Woodmoor and Palmer Lake had recently signed a separate "legal document" that "Woodmoor agreed to pay for 66 and two-thirds and Palmer Lake 33 and a third, which in my mind that implied that Monument wasn't going to pay. In fact we did state at one meeting and it's in the minutes that I said we would agree to at least 19.79 percent. Just for clarity, Monument hasn't said it's not going to pay. What's in dispute is how much." Burks said, "That answers my question. That's all I wanted to know." Smith said, "We'll be happy to sign for that amount."

Strom stated, "Just for my clarification, my understanding is Monument did not sign the interim funding agreement." Wicklund replied, "The one that was signed, we were never given a copy," referring to this second separate already signed funding agreement. "We said we would pay 19.79 percent and we never saw another copy." Strom said, "That was unintentional. I need to go back and clarify this because my understanding was that the interim agreement was the vehicle that would allow us to move forward with the construction."

Wicklund asked Strom, "What attorney wrote that agreement?" He replied, "It was our attorney, I believe, Mike. I'm not prepared to answer those questions because this is some kind of surprise to me." He added, "Maybe we need to restructure that interim agreement." Wicklund said, "Let's just leave everything to the lawyers right now."

Burks noted that the total phosphorus (TP) construction contract requires the selected contractor to begin concrete work by July 30 and complete the project in 427 days after the bid award date. All of the \$1 million grant for design and construction must be spent by May 31, 2016. Tetra Tech's engineering estimate for the cost of constructing the new TP removal equipment being required by the state is \$2.32 million. Tetra Tech has stated that the Tri-Lakes facility has no existing designed TP removal capability.

For more information on this funding litigation issue, see <http://ocn.me/v15n1.htm#tlfjuc1209> and <http://ocn.me/v15n2.htm#tlfjuc0113>.

New discharge permit still not issued

Burks reported that he still not had received the facility's new five-year discharge permit from the state Health Department. The state Water Quality Control Division has yet to provide any explanation for the protracted delay or an expected date for issuing the new replacement discharge permit. The JUC approved the state's final draft of the discharge permit last fall. The state demanded that Tri-Lakes apply for this new discharge permit early even though the current discharge permit still in place does not expire until the end of 2016 so that the five-year permit cycle will align with the five-year review cycle for the Arkansas River basin standards, per www.colorado.gov/pacific/sites/default/files/Regulation-32.pdf.

Financial reports

Some of the February budget expense items that Burks

noted were:

- Installation of a new UV light transmittance sensor to determine turbidity of effluent just prior to discharge into the creek - \$1,400
- An annual facility payment for AF CURE operations to the Pikes Peak Regional Water Authority - \$5,979
- Annual Tri-Lakes facility dues for Special District Association membership - \$506
- Two payments to Sue Wielgopalan, the JUC's consultant recording secretary, for the last three quarters - \$1,190 (2014) and \$510 (2015)

Burks noted a February state nutrient grant reimbursement of \$81,209 for Tetra Tech preparation of design and construction documents for the TP removal tertiary clarifier expansion project. The total amount of state nutrient grant reimbursements the facility has received to date was \$249,646, which included all of the \$80,000 state planning grant and \$169,646 from the \$1 million state design and construction grant. For more information on Tri-Lakes' state nutrient grants, see <http://ocn.me/v13n8.htm> and <http://ocn.me/v13n8.htm#grant>

The financial reports were unanimously accepted as presented.

Plant manager's report

Burks reported that the plant was operating very efficiently. He reported hiring a new hourly operator to fill the facility's empty position, Joshua Watkins of Widefield Water and Sanitation District.

The net January total phosphorus (TP) in effluent results for the Tri-Lake plant were 0.998 million gallons per day (MGD) of flow and 64.0 pounds per day (ppd) of TP consisting of:

- Monument – 0.198 MGD, 19.82 ppd, 31.0 percent
- Palmer Lake – 0.2 MGD, 9.0 ppd, 14.1 percent
- Woodmoor – 0.6 MGD, 35.2 ppd, 54.9 percent

The new TP chemical removal tertiary clarifiers' constituent treatment capacity is rated at 264 ppd by Tetra Tech.

Burks presented the facility's first spreadsheet for the new AF CURE stream model data collection project for the Monument/Fountain Creek basin. AF CURE is spreading the responsibility and cost among all its member wastewater entities to provide grab samples that will characterize stream and watershed health from Palmer Lake to Pueblo. This stream model data collection will enable all AF CURE wastewater treatment facility (WWTF) members to defend themselves from the imposition of unreasonable discharge permit limits for metals and other emerging contaminants of concern when actual aquatic life problems are being caused by pollutants from agricultural E. coli and nutrient runoff as well as naturally occurring non-point runoff such as selenium that are delivered to these two creeks by stormwater rather than WWTF treated effluent.

The three Tri-Lakes grab sample locations in Monument Creek are Monument Lake Road, the Arnold Avenue bridge, the Baptist Road bridge. A contemporaneous facility sample is also being taken. The concentration data being collected for this new model include:

- Total phosphorus, nitrogen, Kjeldahl nitrogen, ammonia, nitrate nitrogen, nitrite nitrogen
- E. coli

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