

vote on this. It has the appearance that it is collusive and it looks like trying to manufacture some data in support of your case.

Gillette's comments included:

- We always get preliminary estimates to get (an) idea of possible project scope and costs, but we never obligate ourselves to those studies, it is just information.
- This NER report was an investment we thought we needed. If information comes back and says we will be below Reg. 31 standards, nobody has to do anything, we get to take a sigh of relief and say we dodged a bullet, and 'thank you EPA for coming to your senses.'

**Construction report**

Tri-Lakes Facility Manager Bill Burks said that construction on Phase 1 of the total phosphorous (TP) chemical removal clarifier expansion project was progressing well and the project was close to 75 percent complete and ahead of schedule. Current work included applying block fill, pouring the base of the effluent channel, applying epoxy-based paint to the interior, doing rebar inspections, and installing sludge collection equipment and windows.

**Easement dispute costs grow**

During the financial report, Burks said that in January, there were two line items related to the unresolved access easement for the TP expansion. TLWWTF has now paid \$1,250 for surveying and \$2,553 for easement consulting. He did not report what costs had been incurred so far for services of TLWWTF attorney Mike Cucullu on this issue.

At the Dec. 8 meeting, the JUC had voted unanimously to have Wicklund present the facility's two standard access easement options to the private property owner immediately adjacent to the TLWWTF TP expansion, but neither offer was accepted. Burks said that now, Cucullu is the only TLWWTF representative who can speak with the neighboring property owner, and Cucullu will convey any communication to Burks. See [www.ocn.me/v15n12.htm#tljuc-1110](http://www.ocn.me/v15n12.htm#tljuc-1110), [www.ocn.me/v16n1.htm#tljuc1208](http://www.ocn.me/v16n1.htm#tljuc1208), and [www.ocn.me/v16n2.htm#tlfjuc0112](http://www.ocn.me/v16n2.htm#tlfjuc0112).

**Colorado Wastewater Utility Council report**

MSD environmental compliance coordinator Jim Kendrick reported on three topics from the Jan. 13 Wastewater Utility Council (CWWUC) meeting.

He said a contract for \$23,000 for GEI Consulting was approved by the CW-WUC. GEI is doing additional data analysis and working with the staff of the Water Quality Control Division (WQCD) of the CDPHE to help them create a final version of wastewater discharge temperature standards modifications for the June 13 Water Quality Control Commission rulemaking hearing on the triennial update of Regulation 31, "The Basic Standards and Methodologies for Surface Water" and Regulation 61, "Colorado Discharge Permit System Regulations." ([www.colorado.gov/pacific/sites/default/files/1601\\_LRS.pdf](http://www.colorado.gov/pacific/sites/default/files/1601_LRS.pdf))

At issue is the EPA's assertion that streams across Colorado should always be below 4 degrees Celsius (39.2 degrees Fahrenheit) during winter trout breeding season, despite the fact that there are always warmer days in winter and the fact that there are substantial elevation changes across the state's transition zones that both affect stream temperature far more than effluent temperature does. Kendrick said it was worth the expense to have GEI's help to present the reams of available instream and air temperature data to the WQCD and hopefully avoid a WQCD-imposed use attainability analysis followed by a tempera-

ture total maximum daily load (TMDL) allocation study that would cost hundreds of thousands of dollars (when the TLWWTF effluent is always cooler than the water quality standard for the segment of Monument Creek that TLLWTF discharges its treated effluent into.)

Second, Kendrick said WQCD Director Patrick Pfaltzgraff talked about financial and staffing shortages in the division. He said the best guess is that the division has a funding deficit of at least \$2 million. In addition, new accounting system problems have caused the division to not be sure where it actually stands with regard to both last year's and this year's annual budget. Also, the division has 193 full-time employees (FTEs) positions but the revenue shortfall induced a hiring freeze that has resulted in the division staff being short 17 FTEs.

Kendrick noted that Pfaltzgraff said there is no division employee in the staff's water reuse position at this time. And the division plans to create a new separate fifth staff area of responsibility for municipal separate storm sewer systems (MS-4s), but it is unclear how they will monitor this area without being able to staff it. In the OCN coverage area, the town of Monument, the town of Palmer Lake, and El Paso County are responsible for compliance with state stormwater regulations.

The effect of continuing division understaffing for all wastewater and stormwater discharge stakeholders is the likelihood that all these state discharge permit holders will not have their five-year permits renewed on schedule. Actual permit renewals will most likely continue to be pushed back to seven years, Kendrick said. In addition, this makes it more vital that the two towns should be encouraged to participate as MS-4 members of the Arkansas Fountain Coalition for Urban and River Evaluation (AF CURE) in collecting E. coli and other storm surge flow runoff data due to future stormwater concerns.

Kendrick said that AF CURE's environmental attorney, Gabe Racz of Vranish & Raisch LLP, was able to obtain a provisional satisfactory rating for temperature for Monument Creek, which is Segment 6 of Fountain Creek, deferring any requirement for use attainability or TMDL analysis expenses for now. See [www.ocn.me/v16n2.htm#tlfjuc0112/](http://www.ocn.me/v16n2.htm#tlfjuc0112/).

**Plant manager's report**

Burks presented the discharge monitoring report for December and said that there were no surprises with it nor with the annual metals report. The facility also passed the quarterly whole effluent toxicity test.

Burks and Wicklund said that property owners should never use root killer that contains copper sulfate, because it causes spikes in copper levels in effluent.

Burks reported the total phosphorus average contributions for 2015 for each district. These are averages based on once-monthly samples:

- MSD – 33.4 percent, 26.2 pounds per day (ppd)
- PLSD – 14.8 percent, 11.4 ppd
- WWSD – 51.6 percent, 39.1 ppd

Burks and Wicklund said that effluent sampling data collected by TLWWTF and other entities "all the way down to the Arkansas" has contributed to the data sharing networking that will allow the state to have consistent data with which they could make informed decisions. "We were just guessing before," Burks said.

Burks said that he would match the El Paso County Health Department's cost for E. coli testing in order to encourage the town of Monument to resume E. coli testing. It is important that the town have clear data showing how stormwater runoff in the town compares to what is contributed by

sources in unincorporated El Paso County. The future costs of treatment of stormwater might be in the balance.

Burks also got consensus from the JUC members to encourage the town of Monument to join AF CURE, which encompasses the south Front Range Monument Creek and Fountain Creek watershed. Kendrick wants to explain to them why the EPA's approach of "one simplified table value standards" does not work, and how AF CURE helps collect data and advocate for natural variability in stream conditions. (Similarly, South Platte CURE covers the northern Front Range, and the Colorado Monitoring Framework is a statewide collaboration of water and wastewater utilities.)

Since TLWWTF is so far upstream, Burks said the facility is the first point-source discharger of nutrients into Monument Creek. The facility is "not really a contributor to E. coli levels" in the stream. "We are doing great on that. We are less than everybody else," he said.

Wicklund said that point-source dischargers like wastewater facilities are not the source of most phosphorus and nitrogen nutrient pollution, which comes from fertilizers from cities, farms, and ranches. But since the latter are non-point-source contributors, they do not have any discharge permit levels to worry about. Burks said since a lot of other treatment facilities have agriculture above them contributing nitrogen and phosphorus, there is less of an overall impact when the effluent also has nitrogen and phosphorus in it, even at the very low (permitted) levels that TLWWTF has.

The meeting adjourned at 12:10 p.m.

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The next meeting will be held at 10 a.m. on March 8 at the Tri-Lakes Wastewater

Treatment Facility, 16510 Mitchell Ave. Meetings throughout 2016 will normally be held on the second Tuesday of the month and are open to all members of the public. For information, call Bill Burks at (719) 481-4053.

Lisa Hatfield can be reached at [lisahatfield@ocn.me](mailto:lisahatfield@ocn.me).

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