



July 24, 2007

Via Mail and Fax:  
303-782-0390

Mr. Steve Gunderson, Director  
Water Quality Control Division  
Colorado Department of Public Health and Environment  
4300 Cherry Creek Drive South  
Denver, Colorado 80246-1530

Dear Mr. Gunderson,

I am the current president of the Plum Creek Wastewater Authority Board of Directors and am writing this letter on the Board's behalf. Plum Creek Wastewater Authority (PCWA) provides wastewater treatment for the Town of Castle Rock, Castle Pines Metropolitan District, and Castle Pines North Metropolitan District. I want to share with you some concerns that our Board has with recent actions by the Water Quality Control Division and the Water Quality Control Commission concerning potential changes to the Chatfield Control Regulation.

First allow me to provide a little background. In 2005, PCWA completed an expansion of its facilities to provide high-level treatment for water discharged to East Plum Creek. As you know, this water eventually ends up in Chatfield Reservoir and the South Platte River. The 2005 expansion will cost the ratepayers of our service area over \$41M in principal and interest over the next 18 years. So PCWA is already doing a great deal to protect water quality in East Plum Creek and Chatfield Reservoir. Much of this expense is specifically to remove nutrients to a level to comply with existing standards and with those that were reasonably anticipated at the time of planning and design.

It is therefore disturbing to our Board to hear that the WQCD has persuaded the WQCC to hold hearings to potentially alter the phosphorus standard in Chatfield Reservoir and, potentially to our facility *at a time when there is no documented problem with water quality in the reservoir*. As was pointed out at the recent triennial review hearing by Paul Grundemann, who was representing Chatfield Watershed Authority, the current Chatfield chlorophyll a goal has never been exceeded in the history of the control regulation, even in years when the phosphorus standard has been exceeded due to anomalous flow conditions and the impacts of wild land and forest fires. Now we understand that the Division desires to redo the modeling of the reservoir over a short period of time and likely alter the annual loading schedule (TMAL) to the reservoir. Our advisors tell us essentially no scientific information has been provided for an environmental concern that would legitimately drive this effort. As a local public body charged with wise stewardship of the public fisc as well as the environment, we are seriously concerned that this initiative does not reflect an efficient allocation of Division and other public resources. Funds available for environmental protection and the public's ability to absorb related costs are not infinite, and environmental initiatives must be prioritized. The lack of an apparent problem in the Chatfield reservoir suggests the proposed initiative should not be given the priority it is currently receiving.

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Another point to be considered is that the Chatfield Reservoir Reallocation Study is in process right now and a modeling effort coordinated by the US Army COE is underway. We are informed that the Environmental Impact Study is also underway. We do not believe the Commission's action will be well-received by the parties to this study given that the EIS may be invalidated by any potential changes to Regulation 73. This important project to the water suppliers may be delayed or altered significantly by this untimely and, we believe, unnecessary action to potentially modify the TMAL in Chatfield Reservoir.

It is also worth noting that POTWs are collectively a relatively small contributor of nutrients to the watershed and the reservoir. Most of the phosphorus is nonpoint in nature and comes from stormwater and agricultural sources. The POTWs portion of the TMAL in Chatfield amounts to 7,533 lbs/year out of a total allocation of 59,000 lbs/year, or 12.8%. Yet POTWs have traditionally been looked to for the lion's share of pollution reduction because the regulatory agencies either do not have the legal ability or the political will to go after the really significant sources of pollutants. Therefore, the allocation of financial resources is focused on small and relatively inefficient efforts to reduce overall pollutant loadings and is punitive to those communities that do attempt to do a good job of protecting the environment.

The Chatfield Watershed Authority is a volunteer organization with a budget of \$167,000 for 2007 and it has provided consistent and significant monitoring of the reservoir water quality over the years since the Regulation 73 was first established. PCWA and its members before it came into existence have been strong financial partners in this Authority since its inception. CWA does not receive any benefit from parks and recreation fees (as does Cherry Creek Watershed Authority whose annual budget surpasses \$1.5M). In fact, we are informed that Colorado State Parks does not even attend meetings or otherwise participate in this important watershed group and that the US Army COE only rarely appears at meetings. Yet these agencies are charged with operating the reservoir and its recreational amenities.

It is notable also that the communities and people downstream of the reservoir; i.e., the great bulk of the Denver metro area, benefit from the reservoir's flood control mechanism (which was the purpose the reservoir was originally intended to provide) and its recreational amenities, which were an afterthought to the primary purpose of the reservoir. However, the upstream POTWs and communities responsible for stormwater controls are the sole contributors to water quality protection in the reservoir, even though they receive no benefit from the reservoir in terms of flood protection, and comparatively little recreational use based upon their lower proportion of population. Yet the primary beneficiaries of the reservoir pay nothing, other than some very small portion of their federal taxes, to receive these benefits.

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Notwithstanding the fact that CWA has limited resources, we do not look to the Division to step in and take over water quality assessments and modeling efforts. Rather, we look for the Division to collaborate with the CWA and its members to develop a rational and scientific approach to determining appropriate standards, when there is a demonstrated need to do so. We do not believe this has been the case. The Division has pushed this agenda quite aggressively in the past few weeks rather than participating on a regular basis with regular CWA meetings to discuss these issues. We are also informed that the Nutrient Criteria Workgroup has had few scheduled meetings and that the opportunity for input and real participation, something that has been a hallmark of past Division regulatory process, has been limited. We are discouraged at these indications of a recent movement away from the workgroup/collaborative process to a command and control agenda by the Division.

We are not opposed to doing our part to preserve the public health and the environment and we take a back seat to no one in our willingness to commit public resources to environmental protection and quality, as exemplified by our recent completion of a high-quality and high-cost treatment plant. However, the Division is pushing a project that has little potential to make any significant improvements to a reservoir that is already in very good shape with respect to water quality. There appears to be no consideration by Division staff of the considerable financial impacts on communities and individual homeowners that may result from their actions. In this regard, I would like to call your attention to § 102(5) of the Colorado Water Quality Control Act that requires "the development of a water quality program in which the water quality benefits of the pollution control measures utilized have a reasonable relationship to the economic, environmental, energy and public health costs and impacts of such measures."

We urge you and the Division staff to seriously consider these impacts and whether the chosen course of action is an appropriate allocation of resources within the Division and burdens on the public in light of the array of water quality challenges that need to be addressed. We understand that the hearing has been scheduled and that the Division intends to develop a proposal concerning revisions of standards and the Chatfield Control Regulation. We request that if the Division prepares a proposal to revise the regulation only, that it be done in an open and collaborative manner and that it be consistent with the directives of Section 102 of the Colorado Water Quality Control Act. Any changes in the standards should not be proposed prior to adoption of nutrient standards in the Basic Standards hearing in 2010. In the coming weeks and months, the Board may pursue other actions in this matter including, but not limited to, contacting our elected representatives in state government.

Sincerely,



John Ostrowski, President  
Plum Creek Wastewater Authority

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cc: Jim Martin, Executive Director, CDPHE  
Martha Rudolph, Director of Environmental Programs, CDPHE  
Brian M. Nazareus, Chair, WQCC  
Ron Redd, Utilities Director, Town of Castle Rock  
Jim McGrady, Manager, Castle Pines North Metropolitan District  
Paul Dannels, Manager, Castle Pines Metropolitan District  
Chatfield Watershed Authority  
Cherry Creek Watershed Authority  
Bear Creek Watershed Authority  
South Metro Water Supply Authority  
Chatfield Reservoir Reallocation Group  
Douglas County Commissioners  
Jefferson County Commissioners  
Colorado Wastewater Utility Council  
Town of Castle Rock Mayor and Council  
Ted Lohr, President, Castle Pines North Metro District  
Castle Pines Metropolitan District Board of Directors