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18 March 2009**City of Fort Collins Comments on Black & Veatch NISP EIS Support Memo on Wastewater Treatment Plant Issues** (B&V Project Memo 163268 memo dated 12/16/2008)**Introduction**

The Northern Colorado Water Conservancy District and other NISP participants engaged the services of technical experts (Black & Veatch) to review and analyze NISP DEIS comments prepared by the City of Fort Collins on the potential impacts to Fort Collins Wastewater Treatment plants.

Summary of City of Fort Collins Comments on Black & Veatch

Since release of the Draft EIS and supporting documents for NISP as well as the Black and Veatch memo, the existing and proposed regulatory landscape for the Poudre basin and corresponding wastewater treatment issues have changed dramatically. These changes, described below, call into question the assertions and conclusions presented in the memo.

- Both the NISP Draft EIS and the Black and Veatch memo were developed on the assumption that the Cache la Poudre through Fort Collins will continue to be regulated as a “use-protected” river. That assumption may soon prove to be incorrect. This summer, the Colorado Water Quality Control Commission will make a decision whether or not to change the classification of key segments of the river above and below Fort Collins from “use-protected” to “anti-degradation review” status.
- Adoption of anti-degradation review status and standards may dramatically alter and potentially accelerate implementation of advanced wastewater treatment (AWT) not only for the City of Fort Collins but for other communities and industries along the river as well. This is an issue with its associated costs that some may have thought was twenty or thirty years away that may instead arrive as soon as 2015.
- Likewise, the memo was developed on the assumption that Fossil Creek Reservoir, an indirect discharge point for the City, will remain classified “use-protected”. However, along with the Poudre, “anti-degradation review” status has been proposed for the reservoir. Furthermore, the reservoir may receive “water supply” designation. That change could accelerate the need for AWT planning and implementation at the Drake water reclamation facility (WRF). Those possible regulatory changes call into question assertions in the Black and Veatch memo that the Drake WRF and Fossil Creek Reservoir were omitted from the

DEIS because they are irrelevant to NISP and protection of water quality in the Poudre.

- With NISP-caused reduced flows in the Poudre through Fort Collins, there is increased likelihood that key locations in the river would violate new, more stringent water temperature limits. Neither the DEIS or the Black and Veatch memo address potential NISP-caused violations of water temperature standards in the river.

Detailed Comments

The Black & Veatch memo states the generally accepted conclusion that “advanced wastewater treatment” (AWT) will be required. However, the memo does not address the fact that NISP-caused low flow conditions through the City of Fort Collins coupled with proposed changes to Regulation No. 38 in the June 2009 Water Quality Control Commission Rulemaking Hearing may accelerate both the immediate and long-term financial impacts of AWT not only on the City but on other communities and industries along the Poudre as well.

Conclusions presented in the Black & Veatch memo are based on the incorrect assumption that the “use protected” classification of Segment 11 of the Poudre through Fort Collins is permanent (memo page 3). In preparation for the June 2009 Hearing, the Colorado Water Quality Control Division has proposed that the “use-protected” status of Segment 10 of the Poudre from the Monroe Diversion to Shields Street, Segment 11 from Shields Street downstream to Boxelder Creek and then in Segment 12 to the confluence with the Platte be changed to “anti-degradation review” status. A classification of “anti-degradation review” is also proposed for a new Segment 21, which includes Fossil Creek Reservoir, and existing Segment 13b, Boxelder Creek, a tributary to the Poudre. Both the City of Fort Collins and South Fort Collins Sanitation District discharge to Fossil Creek Reservoir and both would be affected by this change in classification. Boxelder Sanitation District discharges to the Poudre in Segment 12 just downstream of the confluence of the river with Boxelder Creek.

Anti-degradation review status would mean that Fort Collins and other permitted discharges to the Poudre would not be allowed to “use up” the remaining assimilative capacity of the river, if any. These permitted discharges fall under the National Pollution Discharge Elimination System (NPDES) that is regulated by the Colorado Department of Health and Environment and the USEPA. NPDES-permitted dischargers to Segments 11 and 12 include the City of Fort Collins, Boxelder Sanitation District, the Town of Windsor, Kodak Colorado Division, and the City of Greeley. The Town of Wellington discharges to Segment 13b.

The Black & Veatch memo incorrectly asserts that the City and others will continue to be able to “use up” the assimilative capacity of the river in the future. NISP-caused low flow conditions in river Segments 11 and 12 coupled with implementation of anti-degradation review status for those segments and tributaries of the Poudre as well as Fossil Creek Reservoir may trigger an accelerated timetable for design, construction and operation of AWT plants all along the river.

A decision from the Water Quality Control Commission to adopt “anti-degradation review” status for the Poudre and its tributaries would contradict the B&V assertion (memo pages 1-2) that neither Town of Wellington that discharges to Boxelder Creek, the Town of Windsor, Kodak Colorado Division nor the City of Greeley’s NPDES-permitted discharges to the Poudre will have an impact on the treated effluent water quality standards-setting process for the City of Fort Collins. Reclassification of Segments 10, 11, 12 of the Poudre and tributaries, Segment 21 (Fossil Creek Reservoir) and Segment 13b (Boxelder Creek) of the Poudre to anti-degradation review status may have dramatic impacts on the treated effluent standards-setting process for all NPDES-permitted discharges to the river and its tributaries. With that new classification and the proposed more comprehensive and more stringent stream standards, regulated discharges will not be allowed to “use-up” the remaining assimilative capacity of the river. With “anti-degradation review” status for the Poudre, some and maybe all of these NPDES-permitted discharges would become part of an elaborate web of effluent limitation modeling and subsequent regulated discharge permit limitations designed to protect both the river and its tributaries.

The Black & Veatch memo excludes critical information needed to more accurately assess the potential impacts of NISP on flows and water quality in the Poudre through and downstream of Fort Collins. For example, the memo does not provide:

1. Any corrected mass balance calculations for the real-world site locations of NPDES-permitted discharges to the river or its tributaries incorrectly identified in the original DEIS,
2. Any wasteload allocation modeling calculations for NPDES-permitted discharges to the river or its tributaries,
3. Any total maximum daily load (TMDL) calculations for NPDES-permitted discharges to the river or its tributaries, or
4. Any assessment of potential NISP-caused low-flow-aggravated violations of Colorado’s new, more restrictive water temperature standards during seasonal low-flow conditions in the Poudre through and downstream of the City of Fort Collins.

The satellite images of the water reclamation facilities given in Figures WWTP-1, WWTP-2, WWTP-3, and WWTP-4 of the Black & Veatch memo should attribute the original source: Google Maps.

Conclusion

The above comments are limited to the wastewater treatment/anti-degradation issues presented in the B&V report and are not intended to express the views of the City of Fort Collins on any other issue raised by the NISP DEIS or the City’s comments thereon. The City reserves the right to make additional comments on all issues, including wastewater treatment/ anti-degradation, as additional information becomes available.