

COLORADO NUTRIENT COALITION ALTERNATIVE PROPOSAL

The Colorado Water Quality Control Division (WQCD) is developing state water quality standards for lakes, reservoirs, rivers and streams for total phosphorus and total nitrogen. EPA is strongly pushing all states to adopt soon very stringent numeric nutrient standards. This is despite the states' difficulties in finding strong scientific basis for setting these standards. While nutrients problems cannot be ignored, state standards should be what are precisely necessary, without wasting local financial or energy resources. The anticipated costs of treatment are in the billions. These costs affect all wastewater dischargers, stormwater dischargers, farmers, cattlemen, water diverters and managers, and likely others.

The Colorado Nutrients rulemaking hearing is scheduled for June 2011. The notice for hearing will be prepared by December 2010. Only a few months of intensive work this year remain to understand the WQCD's proposals, and develop alternative proposals. The WQCD on August 17 requested that the Colorado Nutrient Coalition provide their alternative proposal by Sept. 8th. Funding to support that effort is needed.

In August 2009 the Division proposed preliminary standards for lakes and reservoirs and on February 8, 2010 for streams and rivers. Such standards will be statewide. While the draft proposed standards are less stringent than EPA's expectations, they are still stringent and inappropriate on a site-by-site basis. The Coalition doubts their validity.

The sources of nutrients vary throughout a watershed: background, municipal dischargers, stormwater runoff, agricultural activities and atmospheric deposition. So control of one source is insufficient. Standards are so close to background concentrations, no assimilative capacity exists, and this forces all sources to high treatment levels. The cost of treatment by any of these sources is huge and time consuming to implement.

Adoption of the numeric nutrient standards will result in major river systems and downstream reservoirs being listed under Clean Water Act Section 303 (d) as impaired. Sierra Club has recently raised a significant court decision that prohibits discharge permits for new sources, where streams are listed as impaired and no remediation plans are being actually and effectively implemented. This may preclude expansion of POTWs.

To address these issues, this Coalition formed to fund the necessary studies, expert witnesses, legal support, alternative proposals, and political interface with the Legislature and Congress. This Coalition was formed in June and July by the Colorado Wastewater Utility Council and others; it has a wide and diverse membership, including POTWs, Stormwater Utilities, cities and towns, Conservation and Conservancy Districts and more; it has raised \$80,000 and produced 4 major documents to date, but **needs significantly more funding to finish development of alternative proposals and scientific protocols**, this year. Immediate contributions of \$1000 or more to the Nutrient Coalition are needed. See website at <http://cwwuc.org/reference> for detailed documents. Contact Tad Foster tadfoster@tsfosterlaw.com, counsel to the Coalition, for more information.