

RESOLUTION 2022-06

Resolution of the Triview Metropolitan District Concerning Participation in the Design Stage of the North Monument Creek Interceptor Project

WHEREAS: Colorado Springs Utilities (CS-U) has for the past several years been in the process of completing a required National Environmental Policy Act ("NEPA") analysis of a proposed wastewater pipeline projection which would allow for delivery of wastewater generated at the U.S. Air Force Academy Visitor Center, under construction near the intersection of Interstate 25 and Northgate Road in northern El Paso County, Colorado, and potentially other northern El Paso County wastewater generators, to regionalized wastewater treatment at the J.D. Phillips Water Resource Recovery Facility (JDPWRRF) owned and operated by CS-U near the intersection of Interstate 25 and Woodmen Road in the City of Colorado Springs. Such regional wastewater collection, delivery and treatment project is commonly referenced as the North Monument Creek Interceptor project, or "NMCI"; and,

WHEREAS: The NMCI project has the potential to allow for conveyance, delivery and treatment of wastewater generated by northern El Paso County municipalities and Special Districts to the JDPWRRF, and for several years CS-U has collected data, negotiated, and worked with such northern El Paso County entities, including Triview, for preliminary designs of the project necessary for completion of NEPA analysis, and to gage interest in such "Northern Entities" participating in the NMCI project; and,

WHEREAS: Triview is currently a joint owner of the Upper Monument Wastewater Treatment Facility (UMWWTF), with partner special districts the Forest Lakes Metropolitan District ("FLMD") and Donala Water & Sanitation District ("Donala"), subject to the entitlements, requirements, terms and conditions of the Intergovernmental Agreement dated November 11, 1999, as Amended October 1, 2001; and,

WHEREAS: The NMCI project has the potential to provide wastewater collection, delivery and treatment services to all UMWWTF participants, including Triview, while allowing CS-U to potentially eliminate at least three existing lift stations; and,

WHEREAS: Participating entities in the NMCI may be able to eliminate existing lift stations, and from Triview's perspective the UMWWTF could be either eliminated or Triview's owned-capacity therein repurposed through participation in the NMCI. Triview anticipates its maximum wastewater treatment needs at buildout to be approximately one million gallons per day (1 million gpd); and,

WHEREAS: The cost of present and future regulatory requirements for nutrient treatment at the UMWWTF, including under the Colorado Department of Public Health and Environment's (CDPHE) Regulation 85 and 31 requiring removal of nitrogen and phosphorus, has created significant uncertainty surrounding capital improvements and their financial impacts to wastewater ratepayers as a result of regulatory compliance for the UMWWTF. Expansion of the UMWWTF has been estimated to require in excess of \$20 million in order to accommodate Triview, FLMD and Donala at buildout. Triview's

participation in the NMCI project may eliminate some or all of the financial risks associated with CDPHE regulations 85 and 31 and plant expansion, thereby benefitting Triview's wastewater customers; and,

WHEREAS: Triview has previously resolved, by Resolution 2018-07, to cooperate and participate in the study, design, and potential construction of the NMCI project, including cooperation in provision of documents and effluent estimates for NEPA purposes; and,

WHEREAS: With CS-U's NEPA analysis of the NMCI nearly completed, through a series of cooperative meetings between CS-U and other entities, it has been determined that parties interested in continued participation in the NMCI project should, prior to August 1, 2022, provide CS-U with a commitment to participate in the next phase of the NMCI project, being engineered design of the NMCI project based upon entities anticipated to participate therein; and,

WHEREAS: Triview has determined, based upon its extensive participation and cooperation with the NMCI project to date, and based upon rates and tariffs developed by CS-U and applicable to wastewater service to be provided to Triview through the NMCI, and upon estimates and calculations by Triview's staff and consultants concerning the cost/benefit analysis of utilizing the NMCI as compared to continued wastewater treatment at the UMWWTf, that participation in the engineering and design of the NMCI, assuming Triview's ultimate participation in the construction and use of the NMCI project, is of continued benefit to Triview and its wastewater customers in evaluating the most efficient and cost effective means of provision of wastewater service.

NOW THEREFORE BE IT RESOLVED: For the reasons set forth above, the Triview Metropolitan District is in agreement to continue to cooperate and participate with CS-U, and any and all other participating entities, in the engineering and design of the NMCI project; and, be it further resolved that the District Manager is hereby authorized to sign on behalf of the Triview Metropolitan District such documents as necessary to evidence Triview's continuing commitment to cooperate in the provision of data, and of appropriate funding, for the engineering and design phase of the NMCI project.

Dated this 20th day of July, 2022.



Mark Melville, President
Triview Metropolitan District