



Town of Johnstown

TOWN COUNCIL AGENDA COMMUNICATIONS

AGENDA DATE: June 24, 2021

SUBJECT: Compliance Order on Consent in The Matter Of: Town of Johnstown CDSP Permit No. CO0021156 Johnstown Central WWTF and CDPS Permit No. CO0047058 Johnstown Low Point WWTP Weld County, Colorado.

ACTION PROPOSED: Consider Approval of the Compliance Order on Consent in The Matter Of: Town of Johnstown CDSP Permit No. CO0021156 Johnstown Central WWTF and CDPS Permit No. CO0047058 Johnstown Low Point WWTP Weld County, Colorado

ATTACHMENTS: 1. Compliance Order on Consent in The Matter Of: Town of Johnstown CDSP Permit No. CO0021156 Johnstown Central WWTF and CDPS Permit No. CO0047058 Johnstown Low Point WWTP Weld County, Colorado

PRESENTED BY: Matt LeCerf, Town Manager

AGENDA ITEM DESCRIPTION:

Enclosed for your review and consideration is the Compliance Order on Consent in The Matter Of: Town of Johnstown CDSP Permit No. CO0021156 Johnstown Central WWTF and CDPS Permit No. CO0047058 Johnstown Low Point WWTP Weld County, Colorado. This document is a legally binding Order between the Colorado Department of Public Health and Environment and the Town of Johnstown and is a result of a pattern of noncompliance by the Town of Johnstown in maintaining proper operations at the Low Point and Central Waste Water Treatment Plant facilities. The State had been monitoring the Town's operations of the wastewater treatment plants since 2012 and the time period for which the violations are applicable and monetarily punitive are generally between 2015 – 2019. As part of this Order, the Town has agreed to a monetary penalty in the amount of \$502,523.00. In lieu of this payment, the Town has negotiated an alternative to complete three supplemental environmental projects totaling the penalty amount. These projects will begin immediately and will include the following:

The Community That Cares

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1. Johnstown shall replace approximately 206 inefficient streetlights with LED lights which will reduce the energy demand and subsequently reduce pollution. As an added benefit of installing the LED streetlights, the lighting system will provide better visibility to travelers resulting in increased safety. The Light Conversion Program is expected to cost \$151,438.56.
2. Johnstown shall install a solar power array on the roof of the new recreation center in order to decrease the operating cost and energy demand of the recreation center. It is currently estimated the monthly demand for power is 80,000 kWh which equates to roughly 1,332 kW annually. The solar array is estimated to reduce the kilowatt hour energy demand by 153,600 kWh annually and offset annual electricity by 16%. Overall this is estimated to reduce CO2 emissions by 239,425 lbs. annually. The Recreation Center Solar Program is estimated to cost \$309,084.44.
3. Johnstown shall donate \$42,000.00 to the Johnstown Housing Authority (“JHA”). The funds will be used for a boiler replacement project in Weld County, Colorado. The JHA has an existing set of boiler systems that provide heat to the low to moderate income housing facility. The current units have been operation for nearly 19 years and are very inefficient from both a heating and energy demand perspective. The units will be replaced with, at a minimum, a 93% high efficiency unit that will ensure reliable heat for the facility and lower energy cost resulting in less pollution an energy demands.

Additionally, the Town has also consented to make critical and necessary improvements to our wastewater treatment facilities. Those obligations are memorialized and required in this Order, and are listed under section headings of Compliance Requirements for Central Waste Water Treatment Facility “Central Project” (Sections 51-58) and Low Point Waste Water Treatment Plant “Low Point Project” (Section 59-65). We are actively moving forward on these compliance requirements and expect completion of the projects and future elimination of violations based on proper operations of our wastewater plants.

Staff is recommended approval of this document in its current form and is available to answer any questions regarding its content or other questions related to our path forward to be compliant with CDPHE and our discharge permit requirements.

If approved by Council this evening, this document will be executed by the Mayor and then sent to CDPHE. The Order will then be published in a newspaper of general circulation for public comment by CDPHE. Provided no comments are received by August 9, 2021 this agreement shall become effective and binding.

You will note the document does include a few minor changes that we have requested to CDPHE to consider. At the time of this document, CDPHE has not replied back yet. While the changes

may not be material, but we have requested them and consequently would ask for approval based on a final review of the final form approved by either the Town Attorney or Town Manager.

LEGAL ADVICE:

The Town Attorney was actively engaged in negotiating this Order.

FINANCIAL ADVICE:

Funds for the projects described in this memo have been budgeted in FY 2021.

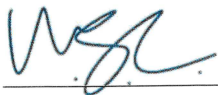
RECOMMENDED ACTION: Approve the Compliance Order on Consent as presented.

SUGGESTED MOTIONS:

For Approval: I move to approve the Compliance Order on Consent in The Matter Of: Town of Johnstown CDSP Permit No. CO0021156 Johnstown Central WWTF and CDPS Permit No. CO0047058 Johnstown Low Point WWTP Weld County, Colorado subject to a final form authorization by either the Town Attorney or Town Manager.

For Denial: I move we deny the Compliance Order on Consent in The Matter Of: Town of Johnstown CDSP Permit No. CO0021156 Johnstown Central WWTF and CDPS Permit No. CO0047058 Johnstown Low Point WWTP Weld County, Colorado.

Reviewed and Approved for Presentation,



Town Manager