

RESOLUTION NO. 70-21

A Resolution authorizing the Mayor to sign as a petitioner to Mesa County's Notice of Appeal and Request for Adjudicatory Hearing in response to the Colorado Water Quality Control Division's publication of the Total Maximum Daily Load Assessment for Colorado River tributaries in the Grand Valley

Recitals:

The Federal Clean Water Act, Section 303(d), requires the States to periodically submit to the EPA a list of impaired waterbodies. A waterbody is considered impaired when it does not meet a state's water quality standards. States are required to develop water quality standards that: (1) designate the beneficial uses a waterbody can support, (2) define the levels of certain pollutants and certain characteristics that a waterbody can contain while still supporting the designated beneficial uses, and (3) protect waterbodies that currently support their designated beneficial uses from becoming impaired.

The Clean Water Act and EPA regulations require that the States develop total maximum daily loads (TMDLs) for impaired waters identified on the Section 303(d) List (303 List or List). In Colorado, the agency responsible for developing the 303(d) List is the Water Quality Control Division (WCQD) of the Colorado Department of Public Health and Environment (CDPHE).

The Grand Valley stakeholders (City of Grand Junction, City of Fruita, Grand Valley Water Users Association (GVWUA) and Mesa County) understand the importance of the EPA's and CDPHE's role to restore and protect the quality of all Colorado waters at levels that fully support established water quality standards. TMDLs are one aspect of making progress toward those goals. Progress will also be made through the collective efforts of the Grand Valley stakeholders, representing both point sources and non-point sources; however additional monitoring and analysis are needed to ensure the mitigation efforts will reduce the loadings.

The Grand Valley stakeholders have worked with the CDPHE throughout the development of the TMDL including most recently providing input on the April 2021 draft TMDL and meeting with CDPHE in June 2021.

On August 10, 2021, CDPHE WCQD released the publication of the Total Maximum Daily Load Assessment for Colorado River tributaries in the Grand Valley. Grand Valley stakeholders remain concerned regarding the quality of the data used in development of the TMDL and believe more time to collect additional data and further develop a Watershed Plan that addresses the source assessment, allocation of loads, and prioritization of implementation activities will ultimately lead to a TMDL that is attainable.

The City of Grand Junction and City of Fruita contracts with Mesa County for stormwater quality services. Mesa County, on behalf of the Fruita and Grand Junction is working with the GVWUA on an appeal of the Regulation. The appeal will, among

other things, assert that the Regulation did not address the concerns noted above as well as some procedural matters.

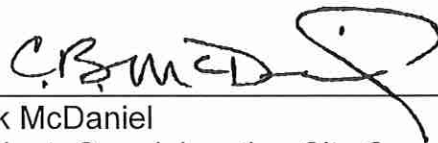
Mesa County is requesting that City of Grand Junction and City of Fruita join as Petitioners in the Notice of Appeal Request for Adjudicatory hearing (Appeal.) The Notice of Appeal is due by September 8.

NOW, THEREFORE, BE IT HEREBY RESOLVED BY THE CITY COUNCIL OF THE CITY OF GRAND JUNCTION THAT:

- 1: The City Council of the City of Grand Junction supports Mesa County's role in representing and advocating for water quality in the Grand Valley.
- 2: The City Council of the City of Grand Junction authorizes the Mayor to sign as a petitioner to Mesa County's Notice of Appeal and Request for Adjudicatory Hearing in response to the Colorado Water Quality Control Division's publication of the Total Maximum Daily Load Assessment for Colorado River tributaries in the Grand Valley

This Resolution shall be in full force and effect from and after its passage and adoption.

Passed and adopted this 1st day of September 2021.



Chuck McDaniel
President, Grand Junction City Council

ATTEST:



Wanda Winkelman
City Clerk

