

Mesa County, Colorado
BOARD OF COUNTY COMMISSIONERS

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February 28, 1994

Richard Long, Branch Chief
Municipal Facilities Branch
U.S.E.P.A.
999 18th Street
Suite 500
Denver, CO 80202

DELIVERY BY FAX
(303) 293-1647

Re: WASTEWATER TREATMENT FACILITIES FOR VALLE VISTA SUBDIVISION, MESA COUNTY, COLORADO.

Dear Mr. Long:

Please reference the attached January 18, 1994 letter to Tony Medrano. Following the attached letter to E.P.A., we were advised by various persons at E.P.A. that the Agency would not be involving itself further in the matter. Subsequently, E.P.A. issued a letter of non-compliance to the Colorado Department of Health. We were then advised that E.P.A. was merely questioning procedural aspects of the matter, that these procedural problems could be cured by C.D.H., and that the construction of the sewer interceptor could proceed. We have recently been advised that C.D.H. believes that it has fully addressed the issues raised by the letter of non-compliance.

Now we are advised that E.P.A. is considering a second letter of non-compliance to C.D.H. questioning the selection of alternative routes or scenarios for installation of the facilities. This appears to us to be within the subject matter reserved to the state and to local land use decisions. Frankly, we are astounded!

We believe that C.D.H. has answered or responded to E.P.A. concerns in the letter of non-compliance. The selected alternative is the most cost effective and the real environmental damage which will continue to occur if the facility is not constructed in a timely manner far overshadows whatever speculation E.P.A. is presently indulging in.

We now respectfully and formally request the following:

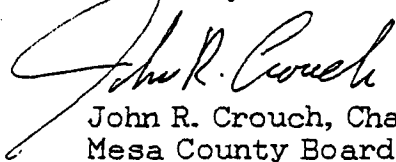
1. That E.P.A. formally respond in writing to the seven question areas set forth on page 2 of the January 18, 1994 letter to Tony Medrano.
2. That E.P.A. formally advise us in writing of the specific concerns of the Agency regarding the project.

3. That E.P.A. formally advise us in writing of the parties to this matter before E.P.A. in order that all may be placed on notice.

4. That E.P.A. advise us of the specific location of all E.P.A. files regarding this matter and the specific custodian or custodians of those files.

It is our intention that this letter constitute an entry of appearance before E.P.A. regarding this matter. We are the entity responsible for land use planning and 201 planning in the Orchard Mesa area, we own the Persigo sewer plant which will treat the effluent, we own or control the public rights of way in which facilities may be installed and we certainly have superior standing to individuals not living in the impacted area who, we understand, are complainants in this matter.

Sincerely:



John R. Crouch, Chairman
Mesa County Board of County Commissioners