



FRUITA

COLORADO

AGENDA ITEM COVER SHEET

TO: Fruita City Council and Mayor

FROM: Kimberly Bullen, Public Works Director

DATE: June 7, 2022

RE: Total Maximum Daily Load (TMDL)

BACKGROUND

As part of the federal Clean Water Act, Section 303(d), states are required to periodically submit to the EPA a list of waterbodies that are impaired. A waterbody is considered impaired when it does not meet a state's water quality standards. States 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 states develop total maximum daily loads (TMDLs) for impaired waters identified on the section 303(d) List. In Colorado, the agency responsible for developing the 303(d) List is the Water Quality Control Division at the Colorado Department of Public Health and Environment. The List is adopted by the Water Quality Control Commission as Regulation No. 93. A TMDL is used to determine the maximum amount of a pollutant that a waterbody may receive and still maintain water quality standards.

The waterbodies of concern are in the Lower Colorado River Basin that includes all tributaries to the Colorado River. The Grand Valley watershed is a portion of the Lower Colorado River Basin which encompasses more than 30 stream/river segments and six lake/reservoir segments. Pollutants of concern are dissolved selenium, total recoverable iron, and E.coli bacteria. These pollutants can originate from an array of sources including point (e.g. wastewater treatment facilities) and nonpoint (e.g. crop field runoff) sources.

The Draft TMDL came out in *April 2021* and Grand Valley stakeholders (City of Grand Junction, City of Fruita, Grand Valley Water Users Association and Mesa County) as well as the Colorado Stone, Sand & Gravel Association provided comments regarding the draft TMDL document. The concerns included the source assessment, allocation of loads, and prioritization of implementation activities (TMDL allocations).

Source Assessment - the concerns include poor data or missing data, limited ability to identify and assess sources of pollutants, and a challenge to bridge the link between sources and the observed impairments.

Allocation of Loads - point sources (wasteload allocation), seven (7) permits identified, GVVUA inaccurate assignment of (non-standard MS4 permit) loadings to Indian Wash, Mesa County MS4 Permit loadings outside of the urbanized area. Nonpoint sources (load allocation), need to understand baseflow loadings (irrigation and non-irrigation seasons) and stormwater loadings, and need to understand background contributions of loadings.

TMDL allocations and implementation responsibilities - Delineation of the drainage areas isn't accurate and misrepresents implementation responsibilities for loadings outside the urbanized area; no data to understand the influence of stormwater loadings upstream of the TMDL watershed upper boundary versus the background loadings; large loading reductions are required for the non-irrigation season. Most of the loadings are from agricultural return flows. The ability to control these loadings is limited; and E. coli loadings for Adobe and Leach Creeks need to be characterized to understand the sources.

A request was made to the Water Quality Control Division (WQCD) to delay the determination of the Final TMDL for three years. A follow up discussion with WQCD staff was held on June 24, 2021 to further explain our concerns. In April 2022, we invited WQCD staff to tour the Grand Valley and discuss the stakeholder group's concerns. Based on this field visit, we are not optimistic that the WQCD will address our concerns and will move forward issuing a final TMDL in June. The stakeholder group will have 30 days to file an appeal once the TMDL is issued.

FISCAL IMPACT

Mesa County, Grand Valley Water Users Association, City of Grand Junction, City of Fruita and other stakeholders are supporting the cost of the Appeal.

APPLICABILITY TO CITY GOALS AND OBJECTIVES

This process is applicable to the City's goals of Quality of Place and Economic Health. The City values our geographic natural resources and landscapes, and we collaborate to provide quality essential infrastructure and services. The TMDL Regulation will be incorporated into a revised discharge permit which is anticipated in 2022. Once incorporated into the permit the Regulation must be enforced. Accordingly, staff is anticipating developing a plan with our partners for the watershed.

OPTIONS AVAILABLE TO THE COUNCIL:

This agenda item is for informational purposes only; no Council action is required.

RECOMMENDATION:

This agenda item is for informational purposes only; no Council action is required.