

1 **CITY OF SANTA FE, NEW MEXICO**

2 **RESOLUTION NO. 2019-14**

3 **INTRODUCED BY:**

4
5 Mayor Alan M. Webber Councilor Renee D. Villarreal
6 Councilor Christopher M. Rivera Councilor Carol Romero-Wirth
7 Councilor Peter N. Ives Councilor Signe I. Lindell

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10 **A RESOLUTION**

11 **IN OPPOSITION TO A PROPOSED RULE CHANGE BY THE ENVIRONMENTAL**
12 **PROTECTION AGENCY AND THE DEPARTMENT OF THE ARMY REVISING THE**
13 **DEFINITION OF “WATERS OF THE UNITED STATES”; SUBMITTING THIS**
14 **RESOLUTION TO THE ENVIRONMENTAL PROTECTION AGENCY; AND**
15 **ENCOURAGING CITY OF SANTA FE RESIDENTS TO SUBMIT THEIR COMMENTS**
16 **DURING THE PUBLIC COMMENT PERIOD ENDING APRIL 15, 2019.**

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18 **WHEREAS**, on December 11, 2018, the Environmental Protection Agency (“EPA”) and
19 the Department of the Army proposed amendments to the Clean Water Rule adopted in 2015 that
20 establishes a revised definition of “Waters of the United States” that more narrowly defines and
21 restricts those waters subject to federal authority and jurisdiction under the Clean Water Act; and

22 **WHEREAS**, the proposed definition replaces that adopted by EPA and the U.S. Army
23 Corps of Engineers in the 2015 Rule and the pre-2015 regulations; and

24 **WHEREAS**, the Santa Fe River and its watershed, including all ephemeral tributaries
25 and arroyos, Nichols and McClure reservoirs, its ground water, its wastewater treatment facility,

1 public infrastructure, private property, and the Rio Grande could lose federal protections with the
2 proposed changes, including certain limits on pollutant and sediment loads; and

3 **WHEREAS**, the City of Santa Fe’s (“City’s”) centuries-old source of local drinking
4 water and its acequia system already face significant stress from the impacts of climate change,
5 toxic chemicals, stormwater runoff, waste, and illegal dumping, such that the City should strive to
6 improve protections for its water supplies rather than support efforts to lessen or remove them;
7 and

8 **WHEREAS**, ephemeral streams within the boundaries of Los Alamos National
9 Laboratory drain directly or indirectly into the Rio Grande above the Buckman Direct Diversion
10 and under the proposed rule would not be protected. leaving our newest source of drinking water
11 imperiled; and

12 **WHEREAS**, the City and Santa Fe County have expended significant resources on river
13 restoration, erosion control, channel stability, flood control, and water-quality-improvement
14 projects, and the proposed rule changes could undermine efforts to restore the Santa Fe River; and

15 **WHEREAS**, neither the City nor the State of New Mexico has jurisdiction, primacy, or
16 authority over Clean Water Act provisions protecting water quality; and

17 **WHEREAS**, the City’s 2040 Sustainability Plan calls for increased protections of the
18 Santa Fe River and its urban watershed; and

19 **WHEREAS**, the City’s strategic plan to address the challenges of stormwater currently
20 depends on a strong Clean Water Act; and

21 **WHEREAS**, a healthy river is an important part of Santa Fe’s appeal with respect to the
22 quality of life for residents and the quality of the experience for visitors to the City; and

23 **WHEREAS**, without federal regulation of ephemeral flows into the Rio Grande, loss of
24 and damage to riparian areas could be severe, and the Santa Fe River could lose its status as a
25 protected water under the Clean Water Act and its eligibility for Clean Water Act State Revolving

1 Fund loans, which could be used for watershed restoration projects, wastewater construction
2 projects, and stormwater infrastructure.

3 **NOW, THEREFORE, BE IT RESOVED BY THE GOVERNING BODY OF THE**
4 **CITY OF SANTA FE** that the Governing Body hereby opposes the proposed amendments
5 revising the definition of “Waters of the United States” and supports proposed changes that would
6 expand the proposed definition of “tributary” and emphasize the importance of the impact of
7 ephemeral flows to the health and welfare of the Country’s water systems.

8 **BE IT FURTHER RESOLVED** that this resolution and detailed comments in support
9 of this resolution be submitted to the EPA in a timely fashion.

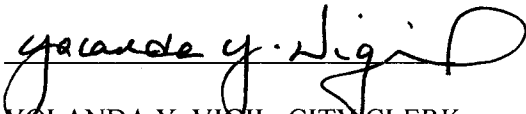
10 **BE IT FURTHER RESOLVED** that the residents of Santa Fe and the general public are
11 encouraged to make similar public comments during the EPA’s 60-day public-comment period
12 ending on April 15, 2019.

13 PASSED, APPROVED, and ADOPTED this 27th day of March, 2019

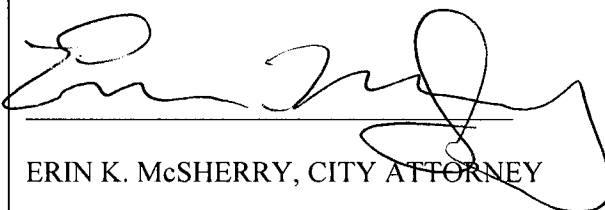
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17 ATTEST:



ALAN M. WEBBER, MAYOR

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20 YOLANDA Y. VIGIL, CITY CLERK

21 APPROVED AS TO FORM:

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24 ERIN K. McSHERRY, CITY ATTORNEY

25 *M/Legislation/Resolutions 2019/2019-14 EPA Clean Water Act Rule Opposition*