

**CITY OF GAUTIER
Business Item #1
Fact Sheet**

Council Meeting:
Title:

July 1, 2014
Consideration of Resolution 54; A Resolution To
Ensure Municipal Concerns Are Addressed in
Clean Water Act Regulations, Including The
Definition of "Waters of the U. S.

Introduced by:
Contact Person/Telephone

City Manager 497-8000 Ext. 306

Summary Explanation: Resolution 54; is a response from municipalities nationwide who are committed to local economic development and sustainability, and who are therefore opposed to the over-reaching proposed new rule of the Environmental Protection Agency placing local drainage ways, wastewater treatment systems and associated infrastructure, and all waters within floodplain, riparian or any other general drainage way under the definition of "Waters of the U.S." and within regulatory authority of the U. S. Army Corp of Engineers.

EXHIBITS FOR REVIEW

Resolution	<input checked="" type="checkbox"/>
Ordinance	<input type="checkbox"/>
Contract	<input type="checkbox"/>
Minutes	<input type="checkbox"/>
Plan Maps	<input type="checkbox"/>
Order	<input type="checkbox"/>
Other	<input type="checkbox"/>
Submittal Authorization	City Manager

Staff Recommendation:
Approval

Motion Made by:													
Gollott	<input type="checkbox"/>	Martin	<input type="checkbox"/>	Jones	<input type="checkbox"/>	Guillotte	<input type="checkbox"/>	Vaughan	<input type="checkbox"/>	Anderson	<input type="checkbox"/>	Colledge	<input type="checkbox"/>

Second Made by:													
Gollott	<input type="checkbox"/>	Martin	<input type="checkbox"/>	Jones	<input type="checkbox"/>	Guillotte	<input type="checkbox"/>	Vaughan	<input type="checkbox"/>	Anderson	<input type="checkbox"/>	Colledge	<input type="checkbox"/>

Voted as follows:		Ayes	Nays	Abstained	Absent
Mayor	Gollott	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
At Large	Martin	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Ward 1	Jones	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Ward 2	Guillotte	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Ward 3	Vaughan	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Ward 4	Anderson	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Ward 5	Colledge	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Action Taken:

There came for consideration of the Mayor and Members of the Council of the City of Gautier, Mississippi the following:

RESOLUTION NUMBER 00__-2014

**RESOLUTION TO ENSURE THAT MUNICIPAL CONCERNS
ARE ADDRESSED IN CLEAN WATER ACT REGULATIONS,
INCLUDING THE DEFINITION OF “WATERS OF THE U.S.”**

WHEREAS, the Clean Water Act and implementing regulations of the past four decades recognize the partnership between federal, state, and local governments to achieve the objectives of the Act; and

WHEREAS, local governments have assumed an ever-increasing share of the cost of achieving those objectives both as a regulator and permittee to maintain and improve water quality; and

WHEREAS, the U.S. Environmental Protection Agency and U.S. Army Corps of Engineers have proposed a rule to define “Waters of the U.S.” that could significantly increase the cost and regulatory requirements for local governments and ultimately the costs for local residents and businesses; and

WHEREAS, the proposed rule and budget history for EPA and the Corps do not provide additional federal revenue nor anticipate assistance in the future to help meet the cost of this rule; and

WHEREAS, The United States Conference of Mayors has adopted and maintains policy that opposes legislation to expand Federal jurisdiction under the Clean Water Act unless the associated costs are born solely and entirely by the Federal government and its agencies and not levied as an unfunded mandate on the public and private sectors; and

WHEREAS, much of the anticipated cost of this rule would be financed from municipal resources, and thus divert resources from other essential public services,

NOW, THEREFORE, BE IT RESOLVED, that EPA and the Corps of Engineers suspend consideration of the Waters of the U.S. rule until local governments and other stakeholders are engaged in drafting a rule that addresses to the satisfaction of local governments and other stakeholders the full economic impact for all sections of the Clean Water Act beyond Section 404 (e.g. Sections 301, 311, 401, 402); incorporates the conclusions of the Science Advisory Board, and addresses the concerns of other federal agencies with water management and regulatory responsibilities affected by such a rule; and

BE IT FURTHER RESOLVED, that the rule include the following provisions that are priority concerns for local governments:

1. Separate municipal storm sewers will continue to be regulated and permitted under Section 402 of the Clean Water Act, and shall not be considered, either in their entirety or any individual feature thereof, Waters of the U.S.; and
2. Green infrastructure developed to improve water quality or achieve multiple public benefits shall be encouraged and given priority consideration that does not impose additional financial and regulatory burdens of permittee's and shall not be considered Waters of the United States; and
3. Water delivery, reuse, and reclamation systems and facilities shall not be considered waters of the U.S.; and
4. Ditches, streams and other drainage features that protect and ensure the operation of public infrastructure shall not be considered waters of the U.S.; and
5. Wastewater treatment systems and all associated infrastructure shall not be considered waters of the U.S.; and
6. Any proposal to regulate waters within a floodplain, riparian, or any other general area must include a specific definition, including the specific boundaries, of the floodplain, riparian, or other area subject to the rule; and
7. The rule must include sufficient clarity and specificity to better inform regulators and permittees and to minimize the potential for litigation; and

BE IT FURTHER RESOLVED, that failure to address any one or all of these concerns shall be considered an unfunded mandate and the costs of such mandate shall be fully and entirely born by the Federal government.

Motion made by _____, seconded by _____ and the following vote was recorded:

AYES:

NAYS:

MAYOR

ATTEST:

CITY CLERK

_____ by Mayor and Members of the Council of the City of Gautier, Mississippi, at the meeting of July 1, 2014.