

RESOLUTION NO. 20190411-027

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

WHEREAS, the Clean Water Act is the fundamental federal law protecting the Waters of the United States from pollution, degradation, and destruction; and

WHEREAS, the goal of the Act is “to restore and maintain the chemical, physical, and biological integrity of the Nation’s waters”; and

WHEREAS, this goal cannot be met unless headwater, ephemeral and intermittent streams, and wetlands are considered “Waters of the United States” because these resources have the potential impact the chemical, physical, and biological integrity of larger permanently flowing water bodies; and

WHEREAS, more than 1,000 peer reviewed scientific studies have confirmed that headwater, intermittent and ephemeral streams, and wetlands affect the quantity and quality of water in larger bodies of water downstream; and

WHEREAS, excluding certain streams and wetlands from Clean Water Act protections puts all the Nation’s waters at risk because polluting or destroying these resources has the potential to impact the water quality of rivers and larger water bodies downstream; and

WHEREAS, the proposed December 2018 Rule would deprive over half of the Nation’s wetlands, all ephemeral streams and many intermittent streams of Clean Water Act protections accorded to them under the 2015 Clean Water Rule and the

pre-2015 regulations, including ephemeral and intermittent streams that are tributaries of the Colorado River; and

WHEREAS, the Colorado River is the primary source of drinking water for the City of Austin, and protecting its tributaries is essential to protecting this drinking water supply; and

WHEREAS, degradation of the waters that flow into the Colorado River could have a serious fiscal impact on our water treatment facilities; and

WHEREAS, many creeks in the City of Austin and within its extraterritorial jurisdiction run dry parts of the year, including Barton, Shoal, Walnut, and Williamson, and these waterways could lose their Clean Water Act protections under the proposed new Rule, along with their tributaries; and

WHEREAS, climate change is projected to lengthen and intensify periods of drought, thereby increasing the number of streams that are ephemeral or intermittent; and

WHEREAS, climate change is also projected to lead to heavier rain events during wet periods, thereby resulting in greater volumes of water flowing from ephemeral and intermittent streams into the Colorado River during wet periods; and

WHEREAS, the City of Austin has expended considerable resources on creek restoration, erosion control, channel stability, flood control, and water quality improvements, and the proposed rule would undermine these efforts; and

WHEREAS, the Clean Water Rule finalized in 2015 by the EPA and the Army Corps of Engineers (Corps) reflected input from stakeholders nationwide received during more than 400 meetings and from over one million public comments

submitted during a 207-day comment period, the majority of which supported the rule; and

WHEREAS, the City of Austin submitted a letter to EPA on August 7, 2014 expressing support for what became the 2015 Clean Water Rule; **NOW, THEREFORE,**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

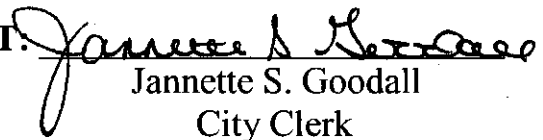
The City Manager is directed to communicate to the EPA and the Corps to preserve a broad definition of "Waters of the United States" that includes Clean Water Act protections for headwater, ephemeral and intermittent streams and wetlands, as defined by the 2015 Clean Water Rule.

BE IT FURTHER RESOLVED:

The City Manager is directed to encourage the residents of Austin and public to submit similar public comments during the EPA's 60-day public comment period that ends April 15, 2019.

ADOPTED: April 11, 2019

ATTEST:


Jannette S. Goodall
City Clerk