

2025 Legislative Issue Form

To propose a CCI legislative issue, please complete this form.

Feel free to use more than one page and include any supplemental materials.

- 1.) **Contact Information** (of the person bringing forth the issue):
 - a. **Name:** Todd Starr
 - b. **Title:** County Attorney
 - c. **County:** Mesa County
 - d. **Phone Number:** (970) 749.0807
 - e. **E-Mail Address:** todd.starr@mesacounty.us

- 2.) **Issue/Problem to be addressed** (What is the problem this legislation is seeking to solve?)

There is a shortage of current, scientifically gathered, and reliable data to justify regulatory restrictions that impose significant costs on local governments with respect to Total Maximum Daily Loads (TMDL's). This legislation aims to ensure that the CDPHE is equipped with accurate and up-to-date scientific data to support the TMDL enforcement program, including providing site-specific data for impaired stream segments.

- 3.) **Background on this Issue/Problem** (How did this come to be? Why are you seeking a legislative remedy?)

Current law aims to improve water quality in Colorado but lacks adequate standards for data collection, cost-benefit analysis, and stakeholder notification and in-put. These gaps in the Act erode accountability in regulatory decision making, foster uncertainty by regulated parties that the actions they take are legally compliant, and undermine meaningful improvement of statewide water quality. The purpose of this proposed legislation is to amend the Clean Water Act to require that regulatory actions by the Department of Public Health & Environment (CDPHE),

Water Quality Control Division (Division) use scientifically accurate data while:

- Ensuring consistency in the regulatory and permitting processes by CDPHE
- Ensuring the use of current scientific data and processes by the Division in considering water quality standards; and

Periodic updates to water quality standards and discharge permits have enormous economic impact on Colorado water users, including permit holders, and significant potential to improve Colorado's water quality. However, without specific requirements to base updates on accurate data, thorough cost-benefit analyses, and meaningful public processes, the entities responsible for Colorado's water quality lack the guidance they need to achieve permanent statewide water quality improvement.

This proposed legislation removes uncertainty and increases transparency to provide more and better data to the agencies responsible for improving Colorado's water quality, particularly when developing a total maximum daily load (TMDL), which term is defined in the Act to mean the daily maximum amount of a pollutant that can be discharged into a body of water without exceeding applicable water quality standards; and monitoring are typically out of date and TMDL's are assumed with outdated information. It would be good to get more sampling and data on these sites to support actual field conditions. The CDPHE should be supported with additional FTE's to conduct monitoring so TMDL enforcement actions can be written based upon good, reliable and recent scientific data.

4.) **Proposed Solution/Legislative Remedy to this issue.**

Support the CDPHE by providing additional professionals to conduct water sampling for impaired stream segments in Colorado. Stream data should be collected by qualified professionals, and the CDPHE should be supported in conducting scientifically based monitoring when implementing TMDLs.

The CDPHE's water quality decision-making processes should align with other regulatory regimes that require scientific accuracy, cost-benefit assessments, and meaningful stakeholder involvement. These requirements are already present in fields such as groundwater, drinking water, and hazardous waste management.

5.) **Have you explored a non-legislative solution to this problem?**

Yes. Mesa County has exhausted all known options and the legislative answer is the only answer.

Mesa County believes the CDPHE needs support to fully understand and investigate stream sampling for impaired stream segments in Colorado. Additionally, any jurisdiction that receives a TMDL should have data that justifies the impairment and support regulations that affect the fiscal implications.

- 6.) **Statutory Citation to be modified AND proposed/revised language (The Colorado Revised Statute is available for free at [this link](#), by selecting “Colorado Revised Statutes”).**

Colorado Revised Statutes, 25-8-103, add (17.3) and (19.5)

- 7.) **Relationship of this issue to the County Commissioner’s roles and/or authorities.**

Counties confronted with potential regulatory requirements through their MS4 programs will be forced to address the fiscal impacts of regulations driven by untimely or inaccurate science. Consequently, County Commissioners, who already face increasing unfunded mandates, will be compelled to find financial resources to conduct remedial programs that might not otherwise have been required if reliable science had been available.

- 8.) **Has this proposal been approved by the Board of County Commissioners?**

While not yet formally approved at a public hearing, this proposal has the support of all three Mesa County Commissioners.

- 9.) **List any potential Proponents/Opponents & their perspectives; indicate any groups/individuals with whom you have already discussed this issue.**

Opponents: It is hard to imagine anyone opposing a bill requiring “good science”.

Proponents: Local jurisdictions and Municipal Storm Sewer Programs.
Colorado Stormwater Council, CCI, CML.

10.) Have you visited with your legislator(s) about this proposal? What was their reaction? Are members of your delegation likely to sponsor, support, or oppose this proposal?

Yes, Mesa County has visited with legislators about our proposal and believe that all of our local legislative members will support this legislation. In addition, this effort should find support from all Colorado Counties, and smaller jurisdictions that are being faced with regulatory requirements that cannot be obtained. Additionally, we have engaged lobbyists to support this effort.

11.) Anticipated Fiscal Impact (to counties, state, other stakeholders, etc.).

The passing of this legislation will not have a negative fiscal impact on local governments and in fact, may save substantial sums if they avoid facing regulatory enforcement that isn't based on good science and is therefore, arguably, arbitrary.

It is anticipated that CDPHE will need one or two additional staff to support the collection of good scientific data.

12.) Please list the local subject matter experts CCI staff can follow up with for more information on this proposal.

Carrie Gudorf- Mesa County Regulatory Programs Manager

13.) If your county is submitting multiple issue forms, please rank each issue.