

BOARD OF TRUSTEES
TOWN OF LA JARA, COLORADO

RESOLUTION NO. 1979-4

A RESOLUTION CONDITIONALLY ACCEPTING "MANAGEMENT AGENCY" DESIGNATION PURSUANT TO P.L. 92-500.

WHEREAS, the Town of La Jara has cooperated with the San Luis Valley Council of Governments and the State of Colorado in developing a workable Water Quality Management Plan for the San Luis Valley, and

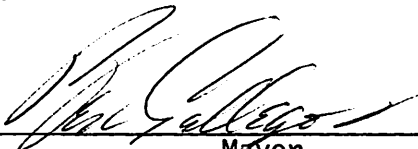
WHEREAS, the Town of La Jara understands the responsibilities associated with becoming a management agency pursuant to Section 208 of P.L. 92-500 (*vide* "Statewide Framework for Water Quality Management," Part III, pp. 43-6), and

WHEREAS, the Town of La Jara feels that the responsibilities as a management agency can most appropriately be handled by the powers and authority currently vested in the Town rather than any other unit of government, now therefore

BE IT RESOLVED that the Town of La Jara accepts designation as a management agency pursuant to the Water Quality Management Plan for the San Luis Valley and P.L. 92-500, and further

BE IT RESOLVED that this acceptance is specifically and expressly conditioned on the Town's not being required or obligated to accept "pass through" funds, or the responsibility for their administration, on behalf of another government or special district operating either wholly or in part within the Town's boundaries.

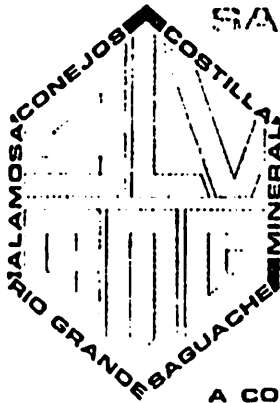
ADOPTED THIS TENTH DAY OF JULY, 1979.



Mayor

Attest: 

Clerk



SAN LUIS VALLEY COUNCIL OF GOVERNMENTS

box 28, adams state college
alamosa colorado
81102 (303)589-7925
casa del sol, 122 richardson ave

June 14, 1979

A COOPERATIVE EFFORT OF VALLEY GOVERNMENTS FOR A BETTER COMMUNITY

M E M O R A N D U M

TO: Counties, Cities and Towns

FROM: Ralph G. Curtis, Water Resource Coordinator

SUBJECT: 208 Water Quality Plan

The State 208 Water Quality Coordinating Unit has informed the San Luis Valley Council of Governments that a public hearing on the final 208 Water Quality Plan and stream classification for this Region will be held by the Water Quality Control Commission on October 22, 1979 in Alamosa. The time and place has yet to be set.

If the Plan is to be complete, an important step needs to be taken—namely, the designation of management agencies and the acceptance of such designation by letter as required by P.L. 92-500. This step needs to be completed by the July COG Board meeting so that the Board can go on record as supporting or rejecting the 208 Water Quality Plan for the San Luis Valley. This procedure is necessary because the Water Quality Control Commission, by law, must give sixty (60) days notice prior to a public hearing. Therefore, any changes to be made by the State or ourselves in the final plan must be made between July 15 and August 15.

Attached for your consideration is a sample resolution for management agency designation acceptance along with a copy of the management agency responsibilities. As you will note in this resolution, there is a qualifier concerning the responsibility of administering any "pass through" grant funds. Those of you who were at the April meeting will remember that there was a concern over these fiscal responsibilities and, to date, the State has not resolved this issue. Therefore, we recommend that management agency acceptance

CONEJOS
Antonito
La Jara
Manitou
Romeo
Sanford

COSTILLA
Blanco
San Luis

ALAMOSA
Alamosa
Hooper

MINERAL
Creede

RIO GRANDE
Del Norte
Monte Vista

BAGUACHE
Bonanza
Center
Crestone
Moffet
Saguache

Counties, Cities and Towns
Memorandum - June 12, 1979
Page 2

be considered only with the understanding that you as a management agency will not handle any "pass through" grant funds over which you have no fiscal control. The State of Colorado may not like this, but it is important that they understand how local governments in the San Luis Valley feel. In so doing, they will most likely be forced to accept our position on this important matter.

In order to meet the July COG Board meeting deadline of July 16, we will be meeting with you to explain any questions that you may have so that you can sign the resolution of acceptance without any reservations.

If you have any questions in the meantime, please feel free to contact me at 589-7925.

ENVIRONMENTAL PROTECTION AGENCY

STATE AND AREAWIDE WASTE TREATMENT AND MANAGEMENT PLANS

Approval and Approval of Plans and Designated Management Agencies

This notice is published to advise that the following Program Guidance Memo-

randum, copy follows, has been dis-

tributed to Environmental Protection Agency Regional Offices and became ef-

fective upon issuance. This memorandum

under State and areawide waste treat-

ment management plans prepared pur-

suant to the Federal Water Pollution

Control Act as amended. The memoran-

dum sets forth guidance to ensure (1)

that management agencies designated to

implement the plans possess adequate

authority and capability to carry out

such responsibilities as assigned to de-

signed to designated management agen-

cies, and (2) that plans identify cer-

tain responsibilities as assigned to de-

signed to designated management agen-

cies, and (3) that plans include in-

dications of willingness to undertake any

new or incremental responsibilities.

Subject: State and Areawide WQM Agen-

cy Designation and Acceptance.

From: Albert J. Erickson, Acting Deputy

Assistant Administrator for Water Planning

and Standards.

To: Regional Administrators.

Attention: Water Division Directors.

Program Guidance Memorandum: SAM-30.

References: Section 208(b)(2)(D), (b)(2)

(E), and 208(c), P.L. 92-500, 40 CFR 130.15;

40 CFR 131.11(d)(5), 131.10(c), 131.11(o),

131.20(b), 131.20(f)(1)(iv).

Designated Management Agencies

STATEMENT OF POLICY

Designated Management Agencies

plan, prior to the RA's acceptance of designa-

tion 1. Selection of Management Agencies.

are subject to the policies set forth in sec-

tion 1. Selection of Management Agencies.

designated management agencies and respon-

sibilities in connection with WQM man-

agement agency designations and respon-

sibilities. All management agency designations

and approval of plans and designated management agencies

are subject to the policies set forth in sec-

tion 1. Selection of Management Agencies.

designated management agencies and respon-

sibilities in connection with WQM man-

agement agency designations and respon-

sibilities. All management agency designations

and approval of plans and designated management agencies

are subject to the policies set forth in sec-

tion 1. Selection of Management Agencies.

designated management agencies and respon-

sibilities in connection with WQM man-

agement agency designations and respon-

sibilities. All management agency designations

and approval of plans and designated management agencies

are subject to the policies set forth in sec-

tion 1. Selection of Management Agencies.

designated management agencies and respon-

sibilities in connection with WQM man-

agement agency designations and respon-

sibilities. All management agency designations

and approval of plans and designated management agencies

are subject to the policies set forth in sec-

tion 1. Selection of Management Agencies.

designated management agencies and respon-

sibilities in connection with WQM man-

agement agency designations and respon-

sibilities. All management agency designations

and approval of plans and designated management agencies

are subject to the policies set forth in sec-

proposed management agencies in the ag-

gregate have all of those authorities.

Each agency's authority should be evalu-

ated in relation to its assigned responsibility.

For example, an agency charged with

oversight of a program without regulatory

controls does not need authority of a regu-

latory nature for purposes of WQM designa-

tion approval.

If a Governor designates a management

agency which has the general authority and

regulatory authority to carry out its assigned

responsibilities and is in the process of ob-

taining the special necessary authority; the

Regional Administrator may conditionally

accept the designation. This may occur, for

example, if the agency has authority to en-

act and implement a certain type of ordi-

nance, has drafted the ordinance, and has

additional steps are required to enable im-

plementation to proceed, the Governor's des-

ignation should state the schedule for the

additional steps.

Capability: Agency designated

by EPA only.

Agency designated by EPA and

State, or designated by State, or EPA regional

office. However, listing those tasks in the plan is not

a national EPA requirement.

The plan's listing of responsibilities may

be presented by means of an implementation

statement for each management agency

whose activities need to be identified. The

statement is the responsibility of the plan-

ning agency, but it should be prepared

jointly by the planning agency and the pro-

posed management agency, to ensure mutual

understanding and agreement.

responsibilities under the plan and the plan's

as it has authority to carry out its re-

in the FWPC Act and Regulations, as long

required to have all of the authorities listed

an individual management agency is not

Wastewater treatment management agencies

responsible for receiving a construction grant

responsible for receiving a construction grant

Wastewater treatment management agencies

responsible for receiving a construction grant

responsible for receiving a construction grant

responsible for receiving a construction grant

responsible for receiving a construction grant

responsible for receiving a construction grant

responsible for receiving a construction grant

responsible for receiving a construction grant

responsible for receiving a construction grant

responsible for receiving a construction grant

section with that grant.

not be adequately defined and reviewed in con-

and 206 of the Act, the responsibilities may

in conformity with the plan is undertaken

with Federal assistance under sections 201

and 206 of the Act, the responsibilities may

in conformity with the plan is undertaken

with Federal assistance under sections 201

and 206 of the Act, the responsibilities may

in conformity with the plan is undertaken

with Federal assistance under sections 201

and 206 of the Act, the responsibilities may

in conformity with the plan is undertaken

with Federal assistance under sections 201

and 206 of the Act, the responsibilities may

in conformity with the plan is undertaken

with Federal assistance under sections 201

The exact nature of the implementation statement will depend on the agency, responsibilities, and schedule. EPA regional offices may participate in defining the contents. The following minimum contents are urged:

Specific identification, by name, of the proposed management agency.

A summary sheet outlining in reasonable detail (1) each proposed major responsibility of the agency, (2) the schedule for major agency actions in the near term (e.g., an appropriate period probably not exceeding five years), (3) detailed reference to the existing and any needed additional authority to the agency to carry out each responsibility, and (4) a description of the financing program for carrying out each responsibility.

Where possible, identification of the specific individual and organizational responsibilities within the management agency, a statement of manpower and budgeting requirements, and provision for reporting and data management may also be provided.

As noted above, effective coordination between the planning agency and proposed management agencies should be maintained

to minimize delays or other problems in formalizing the proposed management agencies' assignments and acceptance of responsibilities.

3. Management Agency Willingness to Proceed.—Whenever a WQM plan prescribes new or incremental responsibilities for a proposed management agency, the plan should include an indication that the agency is willing to proceed to carry out the responsibilities for which it is being designated. The management agency can most easily indicate its intention to undertake the responsibilities by concurring in the applicable implementation statement, and a signing statement may be added to the implementation statement for that purpose.

In the case of significant management agencies whose performance is critical to overall plan implementation, an express acceptance of responsibilities is needed. In other cases (for example, large numbers of smaller municipalities which cause relatively minor water quality impacts in a major metropolitan area), it is less desirable but nonetheless adequate for the planning agency to provide the necessary assurance of their willingness to proceed. In these cases, the

plan should include the planning agency's certification that representatives of the planning agency have met with appropriate officials of the affected agencies, have explained the implications to the agencies' officials, and that the agencies' officials have provided the planning agency with assurance of their willingness to proceed with implementation of their responsibilities. The plan must identify each proposed management agency covered by the certification.

Each statement of management agency willingness to proceed, as provided either by the designated management agency or by the WQM planning agency, must be included in the submittal of management agency designation pursuant to §130.15(a). The Regional Administration will not fully or conditionally accept any designation where no such statement is available. Any proposed management agency that prefers to postpone its commitment on grounds that the WQM plan may be modified prior to the Governor's certification may condition its willingness to proceed on the plan's being certified without change.

[FR Doc.77-25740 Filed 9-2-77;8:45 am]