

WATER QUALITY CONTROL COMMISSION
Unique Tools to Address Water Quality Compliance Challenges
March 12, 2014

Introduction

The Water Quality Control Commission has been directed by the legislature to protect, maintain, and improve the quality of waters in the state to ensure that water is of sufficient quality for public water supplies, aquatic life and wildlife, and for domestic, agricultural, industrial, and recreational uses. At the same time, the Commission must consider ways to balance the public health and environmental benefits with the economic, environmental, energy, and public health costs. The Commission has multiple tools it uses to help balance the benefits and costs in an economically reasonable manner, and to provide flexibility for regulated entities to meet necessary water quality goals.

Site Specific Standards

The Commission has scientifically-based water quality standards that generally apply to waters throughout the state which are necessary to support certain uses of the water, such as public water supply, fishing, swimming, or agriculture. However, sometimes more focused scientific evaluation can indicate that those numbers are not necessary in order to support those uses, or that natural contaminant levels are above the statewide standards applied to protect specific uses. In those cases, the Commission evaluates the scientific information presented and adopts site specific standards so that the uses are still protected but the dischargers on those segments are subjected to less stringent limits, and there is a more economically reasonable result.

Temporary Modifications

Another scenario is when it is unclear what the appropriate standards should be on a certain river or lake, and time is needed to collect data and understand the complexity of the situation. In those cases, the Commission adopts temporary modifications, which allows the regulated entities and the Division time to collect the data and develop the appropriate long-term solution or standard. This helps ensure that the dischargers are not subjected to an overly stringent limit while this investigation is taking place.

Compliance Schedules

Sometimes when the Commission adopts a new or revised standard, a permittee will have to invest money to improve its treatment system in order to be able to meet the new limits. To prevent a possible permit violation, the Commission has adopted regulations that allow the Division to work with the permittee to develop a compliance schedule. The permittee and the Division work together to determine how many months or years it will take to come into compliance, and then develop milestones along the way – such as a deadline for hiring a design engineer, a deadline for securing funding, and a deadline to begin and complete construction.

Discharger Specific Variances

This past year the Commission adopted a new policy regarding discharger specific variances. These variances may apply when it is not economically, technologically, or environmentally feasible for a discharger to meet the limits in its permit. In these circumstances the Commission will adopt an alternate effluent limit that represents the highest degree of protection for the water that is still economically, technologically, and environmentally feasible.

Closure of Low Risk Contaminated Groundwater Sites

There are sites throughout the state where a spill of some kind has occurred, cleanup efforts have been ongoing for decades, and where additional expenditure of funds on cleanup no longer leads to yielded water quality improvements. Where it can be established that the remaining pollution will continue to decline over time, proactive measures are no longer the most beneficial approach, and there is no exposure risk to the public, the Commission is exploring options along with the Hazardous Materials and Waste Management Division; and the Department of Labor and Employment, Oil and Public Safety, to develop solutions to close the site and not waste additional monies. The Commission will continue dialogue with these agencies and will also consider its own site specific groundwater standards for cases such as this.

Resources to Address Water Quality Issues

Substantial additional information about Colorado's water quality programs can be found on the Commission's (www.colorado.gov/cdphe/wqcc) and Division's (www.colorado.gov/cdphe/wqcd) web sites. If legislators need information about any aspects of Colorado's water quality programs, a good option is to contact Karin McGowan (303-692-3473) or Eliza Schultz (303-692-3471) with CDPHE, who can make sure that inquiries and issues are referred to the appropriate contacts.