

**WATER QUALITY CONTROL COMMISSION**  
**Summary of Colorado Water Quality Management**  
**Roles and Responsibilities**  
March 13, 2013

### **Water Quality Control Commission**

The Colorado Water Quality Control Commission (Commission) is the state agency responsible for developing specific water quality policy in Colorado, in a manner that implements the broader policies set forth by the Legislature in the Colorado Water Quality Control Act (CWQCA) and the state drinking water statutes – the state counterparts to the federal Clean Water Act and Safe Drinking Water Act. The Commission’s nine members are appointed by the Governor and confirmed by the Colorado Senate for three-year terms. Appointments are to “achieve geographical representation” and “reflect the various interests in water in the state.” At least two members are to be from west of the Continental Divide.

The Commission adopts water quality classifications and standards to protect beneficial uses of waters of the state, e.g., aquatic life and domestic water supply, as well as various regulations aimed at achieving compliance with those classifications and standards, as elaborated below. The Commission also has rulemaking responsibility for Colorado’s Drinking Water Program, which primarily establishes “at-the-tap” requirements for public water supplies. Commission actions regarding surface water quality and drinking water protection are subject to EPA oversight for consistency with federal requirements. In addition, the Commission serves a quasi-judicial role in administrative hearings concerning appeals of certain decisions of the Water Quality Control Division (Division).

#### Water Quality Standards

The Commission has adopted statewide numerical water quality standards for organic chemicals and radionuclides for surface waters and ground water throughout the state, as well as several statewide narrative standards, such as “no toxics in toxic amounts”. Most water quality standards are site-specific, taking into account the unique characteristics of identified water bodies. Water quality standards are required by federal and state law to be reviewed once every three years. Standards in the various river basins are reviewed and updated on a rotating basis.

#### Implementing Regulations

The Commission has adopted regulations to implement the adopted water quality standards, and to put in place other protections of Colorado water quality. The Colorado Discharge Permit System Regulations establish requirements, such as effluent limitations, for all municipal and industrial “point source” wastewater discharges to state waters, as well as for discharges of stormwater, in a manner that assures compliance with minimum federal requirements. The Commission also has adopted regulations for beneficial use of “biosolids” (the solid residuals left after municipal wastewater treatment), regulations governing the beneficial reuse of treated wastewater, regulations governing concentrated animal feeding operations (including housed commercial swine feeding operations), and several regulations to protect water quality in specific reservoirs. “Nonpoint sources”, such as diffuse run-off from agricultural or forestry activities, generally are not subject to Commission regulations, but are encouraged to take voluntary measures, such as best management practices (BMPs) to protect water quality.

#### Drinking Water Program

The federal Safe Drinking Water Act establishes relatively prescriptive requirements that must be met by public water suppliers to ensure safe drinking water. The majority of rulemaking actions undertaken by the Commission are to adopt parallel state requirements to assure that Colorado’s Drinking Water Program continues to meet federal requirements. In addition, the Commission adopts Colorado-specific requirements deemed necessary to protect the quality of Colorado drinking water. For example, in 2010 the Commission adopted new provisions limiting the availability of waivers from ground water disinfection requirements to reduce the risk of waterborne disease outbreaks, such as the one that occurred in Alamosa in 2008. A major effort to re-write the Colorado Primary Drinking Water Regulations to make them easier to understand will culminate with rulemaking in November 2013.

### Adjudicatory Hearings

The Commission serves as the appellate body to hear appeals of any Division actions except those relating to issuance and enforcement of surface water discharge permits. For example, the Commission would hear appeals of Division actions such as issuance of a "Section 401 Certification" (determining that projects that require a federal permit will not result in a violation of state water quality requirements), Division approvals of "site applications" for municipal sewage treatment plants, and Division enforcement actions in the Drinking Water Program.

### **Water Quality Control Division**

The Division is a separate entity, responsible for implementation and enforcement of the water quality management requirements established by the Commission. In addition, the Division serves as technical staff to the Commission for rulemaking activities. The Division has approximately 175 employees, with the staff organized under three major programs: Safe Drinking Water, Clean Water, and Operations.

The Division is responsible for implementation of regulations under the CWQCA and state drinking water statutes. The Drinking Water Program includes compliance assurance, compliance assistance, data management, enforcement, capacity building assistance, on-site sanitary surveys, financial assistance, and engineering. The Clean Water Program includes monitoring, assessment, and reporting of ambient water quality, development of criteria and standards for adoption by the Commission, state-wide and regional water quality planning support, restoration of impaired water bodies (e.g., "total maximum daily loads" (TMDLs)), as well as permitting, engineering, enforcement and financial assistance activities. The Division also maintains field offices in Grand Junction and Pueblo, and one or two engineers each in Steamboat Springs and Buena Vista. A current Division organization chart is attached.

### **Other State Agencies**

The CWQCA identifies several "implementing agencies" that have the initial responsibility for implementing water quality classifications and standards adopted by the Commission for activities subject to their jurisdiction, except for point source discharges to surface water. These agencies are: the Division of Reclamation, Mining and Safety, the State Engineer, the Oil and Gas Conservation Commission, the Hazardous Materials and Waste Management Division, and the Division of Oil and Public Safety. Similarly, the Department of Agriculture has the initial responsibility to address potential ground water contamination from agricultural chemicals (pesticides and commercial fertilizers). Pursuant to section 25-8-205.5 of the CWQCA, that Department is to develop voluntary BMPs and, if necessary, mandatory agricultural management plans to control this potential pollution source.

Finally, it should be noted that the Commission and the Division roles are limited to water quality management. Water quantity management is addressed by agencies in the Department of Natural Resources. The Commission and Division are required by section 25-8-104(2)(d) of the State Act to consult with the State Engineer and the Water Conservation Board "before making any decision or adopting any rule or policy which has the potential to cause material injury to water rights."

### **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](http://www.colorado.gov/cdphe/wqcc)) and Division's ([www.colorado.gov/cdphe/wqcd](http://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 Park (303-692-3471) with CDPHE, who can make sure that inquiries and issues are referred to the appropriate contacts.