

The background of the slide is a light gray gradient with several realistic water droplets of various sizes scattered across it. The droplets have highlights and shadows, giving them a three-dimensional appearance.

WHO IS RESPONSIBLE FOR THE POUDRE'S WATER QUALITY?

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FOR

POUDRE RIVER FORUM, FEBRUARY 1, 2019

SUMMARY: WHO IS RESPONSIBLE?

- WHO IS RESPONSIBLE FOR WATER QUALITY?
 - WHO/WHAT ARE THE CAUSES OF ADVERSE WATER QUALITY?
 - WHO HAS A LEGAL OBLIGATION TO DO SOMETHING ABOUT IT?
- BUT THOSE TWO CATEGORIES CURRENTLY ARE NOT INTERCHANGEABLE
 - MANY POLLUTANT DISCHARGES ARE UNREGULATED
- TREND: OVER TIME REGULATORS HAVE TARGETED MORE SOURCES OF DISCHARGE AND ADOPTED MORE STRINGENT REGULATION
- CHOICE: WAIT FOR THE INEVITABLE INCREASE IN REGULATION OR IMPLEMENT PROACTIVE WATER QUALITY IMPROVEMENT ACTIONS?
 - PROACTIVE MEASURES ALLOW FOR GREATER CONTROL OVER THE METHOD, MEANS, AND TIMING
 - CREATES OPPORTUNITIES TO LEVERAGE EFFORTS AND MAXIMIZE IMPACT

FEDERAL WATER POLLUTION CONTROL ACT

- PURPOSE—RESTORE AND MAINTAIN THE CHEMICAL, PHYSICAL, AND BIOLOGICAL INTEGRITY OF THE WATERS OF THE U.S.
 - FIRST ENACTED IN 1948 – MAINLY GRANTS TO STATES AND CITIES
 - MAJOR AMENDMENTS IN THE 60S, 70S, & 80S
- IN 1972, ESTABLISHED NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) AND CREATED TWO CATEGORIES OF DISCHARGES:
 - POINT SOURCE (PERMIT): DISCHARGES FROM DOMESTIC, INDUSTRIAL, AND OTHER SOURCES FROM A DISCRETE POINT (E.G., PIPE, DITCH, ETC.)
 - NONPOINT SOURCE (MAINLY VIA BMP): DISCHARGES FROM AGRICULTURE, STORMWATER, AND FAULTY SEPTIC SYSTEMS AND OTHER DIFFUSE SOURCES
- TREND: TARGETED MORE SOURCES OVER TIME

EXAMPLES OF DISCHARGES

Point Source Discharge



Nonpoint Source Discharge



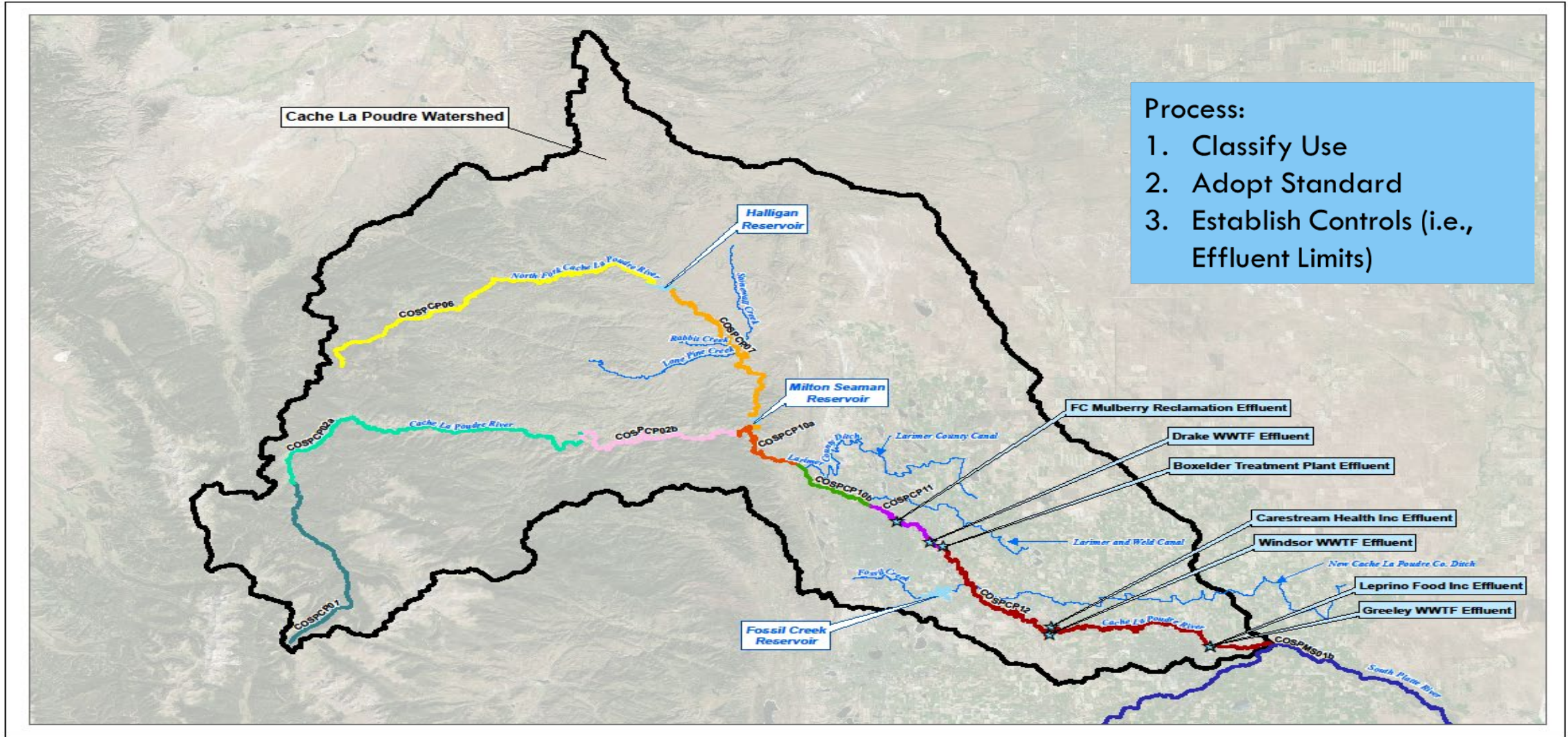
COLORADO WATER QUALITY CONTROL ACT

- ADOPTED IN 1966
 - CREATED WATER QUALITY CONTROL COMMISSION TO ESTABLISH AND IMPLEMENT WATER QUALITY STANDARDS UNDER CWA
 - DID NOT CONSOLIDATE POWER TO REGULATE WATER QUANTITY (I.E., WATER RIGHTS) AND WATER QUALITY IN THE SAME BODY
 - DIRECTIVE THAT WQ REGULATION CANNOT IMPAIR OR LIMIT EXERCISE OF WATER RIGHTS
- ESTABLISHED POLICY THAT WATER QUALITY BE ADVANCED ONLY WITHIN THE CONFINES OF THE PRIOR APPROPRIATION DOCTRINE
 - WATER QUALITY IS SUBORDINATE TO, AND OFTEN IN CONFLICT WITH, THE PRIOR APPROPRIATION DOCTRINE

CURRENT POLICY: WHAT DOES THIS MEAN?

- FEDERAL AND STATE REGULATORS ARE CONSTRAINED IN ACHIEVING WATER QUALITY GOALS
 - MANY POLLUTANT DISCHARGES REMAIN UNREGULATED
 - WATER QUALITY ENFORCEMENT SUBORDINATE TO THE EXERCISE OF WATER RIGHTS
- MUNICIPALITIES MUST WEIGH COMPETING INTERESTS
 - WATER QUALITY VS. QUANTITY (I.E., MAXIMIZE YIELD OF WATER RIGHTS)
 - ECONOMIC GROWTH VS. RATE IMPACTS

EXAMPLE: GREELEY'S WWTP



- Process:
1. Classify Use
 2. Adopt Standard
 3. Establish Controls (i.e., Effluent Limits)

CHOICE: WAIT FOR THE INEVITABLE INCREASE IN REGULATION OR PROACTIVE WQ IMPROVEMENT ACTIONS?

- THE INEVITABLE: IF NECESSARY, REGULATORS WILL LIKELY TARGET MORE SOURCES OF DISCHARGE AND IMPLEMENT MORE STRINGENT REGULATION OVER TIME
 - CURRENT WQCC REGULATION 85 HAS NUTRIENT LIMITATION FOR POINT SOURCES
 - IN 2022, THE COMMISSION WILL EVALUATE THE NEED TO REGULATE NONPOINT SOURCES OF NUTRIENTS
 - IN 2027 IT IS ANTICIPATED THAT VERY STRINGENT NUTRIENT STANDARDS WILL BE ADOPTED IN WQCC REGULATION 31.
 - VOLUNTARY INCENTIVE PROGRAM UNDER REG. 85—RECEIVE ADDITIONAL TIME UNDER COMPLIANCE SCHEDULE TO MEET MORE STRINGENT LIMITS UNDER REG. 31 IN EXCHANGE FOR ADDITIONAL NUTRIENT REMOVAL UNDER REG. 85.

CONCLUSION: OPPORTUNITIES IN PARTNERSHIPS FOR A MORE HOLISTIC WATERSHED APPROACH

- ALLOWS FOR GREATER CONTROL OVER THE METHOD, MEANS, AND TIMING
- CREATES OPPORTUNITIES TO LEVERAGE EFFORTS WITH PARTNERS OR OTHER STAKEHOLDERS TO MAXIMIZE IMPACT
- OPPORTUNITIES INCLUDE:
 - JOINT OR MODIFIED OPERATION AGREEMENTS TO INCREASE FLOWS IN THE RIVER
 - JOINT WETLAND RESTORATION AND BANK STABILIZATION PROJECTS
 - LEGISLATION TO PROTECT DEDICATED FLOWS IN THE RIVER (E.G., RESERVOIR RELEASE BILL)
 - COLLABORATIVE EFFORTS BETWEEN AGRICULTURE AND MUNICIPALITIES TO IMPLEMENT BMPS AND REDUCE NUTRIENTS (E.G., MISSISSIPPI RIVER NUTRIENT DIALOGUES)
 - WATERSHED APPROACH – LARGE-SCALE, COORDINATED STRATEGY FOR THE WATERSHED DEVELOPED AND IMPLEMENTED BY MULTIPLE STAKEHOLDERS

The image features a light gray gradient background with several realistic water droplets of various sizes scattered in the corners. The droplets have highlights and shadows, giving them a three-dimensional appearance. The word "QUESTIONS?" is centered in the upper half of the image.

QUESTIONS?