



Annual Report

To the Water Quality Control Commission and Colorado Legislature

2020

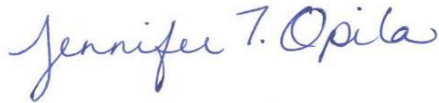
SUBMITTED BY THE WATER QUALITY CONTROL DIVISION OCTOBER 2020

FOREWORD

I am pleased to submit the Water Quality Control Division's Annual Report to the Water Quality Control Commission from July 1, 2019 through June 30, 2020 (SFY2020). Pursuant to CRS Section 25-8-305, the division is to file with the commission, on an annual basis, a report on the effectiveness of its efforts under the state Water Quality Control Act. In particular, the division is to:

Include in such report such recommendations as it may have with respect to any regulatory or legislative changes that may be needed or desired. Such report shall include the then current information that has been obtained pursuant to Section 25-8-303 [monitoring] and information concerning the status of the division's implementation of the discharge permit program established in Part 5 of this article.

Further, in accordance with the requirements of Section 25-8-305 of the Colorado Water Quality Control Act, this report is also filed with the House Agriculture, Livestock and Natural Resources Committee and the Senate Agriculture, Natural Resources and Energy Committee.



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Colorado Department of Public Health and Environment
October 2020

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I. MISSION

The mission of the Water Quality Control Division is to protect and restore water quality for public health and the environment in Colorado. The division strives for improved implementation of the federal Clean Water Act, the federal Safe Drinking Water Act, the Colorado Water Quality Control Act, drinking water statutes and associated regulations by:

- Protecting all designated uses by fully attaining water quality standards.
- Restoring impaired water quality to attainable standards.
- Preventing waterborne disease and reducing chronic public health risks from drinking water.
- Maximizing limited resources for the greatest public health and environment benefits.
- Understanding that government has a history of being a part of the problem when it comes to inequalities in communities.
- Undoing harmful policies and practices and advancing new policies and practices that are equitable and environmentally just.

II. LEGISLATION AND BUDGET

A. Highlights from the 2020 Session

These key pieces of legislation from the 2020 session were enacted.

- HB20-1143 - Environmental Justice And Projects Increase Environmental Fines - This bill increased the statutory maximum civil and criminal penalties for water and air pollution violations. Civil penalties for violations of the Water Quality Control Act increased from a maximum of \$10,000 per day to a maximum of \$54,833 per day per violation. This aligns state and federal law. This change is now effective and does not require changes to regulations. The Water Quality Control Commission is required to adopt a new regulation to adjust the maximum penalty annually, by December 2021, based on consumer price index information. The division will also update its penalty policy. The authority for criminal violations administered by the Colorado Attorney General's Office increased, depending on the violation, with maximum penalties now being up to \$50,000 per day and up to three years imprisonment for knowing or intentional violations.
- SB20-218 - Hazardous Substances Response - This bill creates a \$25 fee per truckload of fuel products starting September 1, 2020. The funds are distributed to multiple agencies. The portion allocated to CDPHE support: the perfluoroalkyl and polyfluoroalkyl substances (PFAS) grant program; vulnerable communities with sampling, toxicology services and health risk assessment services; a PFAS foam takeback and disposal program; treatment assistance for impacted water systems; and, emergency response.
- HB20-1215 -Sunset Water Wastewater Facility Operators Certification Board - This bill addressed recommendations made in the Department of Regulatory Agencies' 2019 Sunset Review of the Water and Wastewater Facility Operators Certification Board. The bill amends the definition of "domestic wastewater treatment facility" to exclude small on-site wastewater treatment systems unless such a system discharges to surface waters. This revision aligned state statutes. The bill also amends the definition of "industrial wastewater treatment facility" by removing the exemption from having to employ an operator in responsible charge (ORC) for facilities designed to operate for less than one year or facilities with in situ discharge. The revised definition still allows an ORC exemption for construction dewatering activities that utilize only passive treatment and occur for less than one year, but otherwise, it gives the board authority to consider exclusions on a case-by-case basis.

B. Budget in Brief

The division budget is comprised of federal funds, cash funds, general funds and a small portion of reappropriated funds. The funds support community infrastructure and programs as well as division personnel and operating expenses. The total budget for SYF20 was approximately \$63 million, which includes appropriated and non-appropriated funds and budgeted indirect costs.

In an effort to balance the SFY21 budget, the General Assembly reduced the balance of some division funds.

- \$ 5,600,000 reduction - Small Communities Water and Wastewater Grant Fund.
- \$ 483,535 reduction - Water Quality Improvement Fund.
- \$ 433,728 reduction - Construction Sector Fund.
- \$ 500,000 reduction - Public and Private Utilities Sector Fund.

The division carefully monitors revenues and expenditures. It is unknown whether these reductions will require the division to increase fees. Economic impacts associated with COVID-19 are being monitored across state government and the division and our regulated entities are no exception. The division continues to prioritize its activities to maximize the available funding.

III. ACHIEVING THE MISSION

A. Rulemaking

The commission adopted the following rules in SFY2020.

| Month of Adoption | Rule |
|-------------------|--|
| November 2019 | <ul style="list-style-type: none"> ● Regulation 84 - Reclaimed Water Control Regulation (5 CCR 1002-84). |
| January 2020 | <p>Temporary modifications.</p> <ul style="list-style-type: none"> ● Regulation 32 - Classifications and Numeric Standards for Arkansas River Basin (5 CCR 1002-32). ● Regulation 33 - Classifications and Numeric Standards for Upper Colorado River Basin and North Platte River (Planning Region 12) (5 CCR 1002-33). ● Regulation 34 - Classifications and Numeric Standards for San Juan River and Dolores River Basins (5 CCR 1002-34). ● Regulation 35 - Classifications and Numeric Standards for Gunnison and Lower Dolores River Basins (5 CCR 1002-35). ● Regulation 36 - Classifications and Numeric Standards for Rio Grande Basin (5 CCR 1002-36). ● Regulation 37 - Classifications and Numeric Standards for Lower Colorado River Basin (5 CCR 1002-37). ● Regulation 38 - Classifications and Numeric Standards for South Platte River Basin, Laramie River Basin, Republican River Basin, Smoky Hill River Basin (5 CCR 1002-38). <p>Cadmium standards.</p> <ul style="list-style-type: none"> ● Regulation 31 - The Basic Standards and Methodologies for Surface Water (5 CCR 1002-31). ● Regulation 32 - Classifications and Numeric Standards for Arkansas River Basin (5 CCR 1002-32). |

| | |
|--------------|---|
| January 2020 | <p>Cadmium standards (continued).</p> <ul style="list-style-type: none"> ● Regulation 33 - Classifications and Numeric Standards for Upper Colorado River Basin and North Platte River (Planning Region 12) (5 CCR 1002-33). ● Regulation 34 - Classifications and Numeric Standards for San Juan River and Dolores River Basins (5 CCR 1002-34). ● Regulation 35 - Classifications and Numeric Standards for Gunnison and Lower Dolores River Basins (5 CCR 1002-35). ● Regulation 36 - Classifications and Numeric Standards for Rio Grande Basin (5 CCR 1002-36). ● Regulation 37 - Classifications and Numeric Standards for Lower Colorado River Basin (5 CCR 1002-37). ● Regulation 38 - Classifications and Numeric Standards for South Platte River Basin, Laramie River Basin, Republican River Basin, Smoky Hill River Basin (5 CCR 1002-38). <p>Section 303(d) List.</p> <ul style="list-style-type: none"> ● Regulation 93 - Colorado's Section 303(d) List of Impaired Waters and Monitoring and Evaluation List (5 CCR 1002-93). |
| March 2020 | <ul style="list-style-type: none"> ● Regulation 11 - Colorado Primary Drinking Water Regulations (5 CCR 1002-11). |
| April 2020 | <ul style="list-style-type: none"> ● Regulation 22 - Site Location and Design Regulations for Domestic Wastewater Treatment Works (5 CCR 1002-22). ● Regulation 61 - Colorado Discharge Permit System Regulations (5 CCR 1002-61). ● Regulation 62 - Regulations for Effluent Limitations (5 CCR 1002-62). |
| May 2020 | <ul style="list-style-type: none"> ● Regulation 31 - The Basic Standards and Methodologies for Surface Water (5 CCR 1002-31). ● Regulation 41 - The Basic Standards for Groundwater (5 CCR 1002-41). ● Regulation 42 - Site-Specific Water Quality Classifications and Standards for Groundwater (5 CCR 1002-42). |
| August 2020 | <ul style="list-style-type: none"> ● Regulation 38 - Classifications and Numeric Standards for South Platte River Basin, Laramie River Basin, Republican River Basin, Smoky Hill River Basin (5 CCR 1002-38). |

Stakeholder engagement is a critical component of the division and commissions/boards' work. Interested persons and entities can contact the division to join our stakeholder lists and processes. The division continues to engage the [Colorado Water Quality Forum and its work groups](#): 10-Year Water Quality Roadmap, Municipal Separate Storm Sewer Systems (MS4) Issues Forum, Regulation 84 Improvements.

B. Emerging Contaminants: Per- and Polyfluoroalkyl Substances (PFAS)

Coloradans face an emerging public health challenge from a family of chemicals found in toxic firefighting foam and other sources. The chemicals are known scientifically as per- and polyfluoroalkyl substances, or PFAS, and have been used for decades in many consumer products and industrial processes to repel oil and water, resist heat, and reduce friction. We are still learning about health effects from exposure to these chemicals, but studies have found serious potential impacts including pregnancy complications, developmental delays in children, and increased cholesterol. PFAS contamination above the EPA health advisory has been found and addressed in drinking water sources impacting around 100,000 people in El

Paso, Adams, Boulder, and Teller Counties. The department partners with the EPA, water providers and local health agencies to address drinking water exposure from these contaminated sites.

Implementation of department's PFAS action plan

The department has an action plan for addressing PFAS contamination in Colorado, which includes steps to minimize the risk of additional contamination and to respond to communities where these chemicals are found at levels that could affect health. A top priority of the action plan is to make sure drinking water is safe. The department has several actions planned in order to protect Coloradans from the negative health consequences of PFAS:

- With a \$500,000 award from the state legislature, the department facilitated PFAS sampling of 400 water systems and 15 firefighting districts as well as 152 groundwater sources and 71 surface water sources. The sampling included about half of the community public drinking water systems in the state serving around three-quarters of the population. Although no tap water exceeded the EPA health advisory, four entities had groundwater sources with sample results that exceeded the health advisory. All of the samples collected at surface water sources had some detectable level of PFAS. Of the 18 PFAS compounds tested in each sample, PFOS, PFOA, PFHxS, PFBS, PFHxA and PFHpA showed the highest levels and were the most prevalent with detections in more than 20% of the samples. PFNA was detected in more than 10% of the samples. The sampling project summary is available on the department's website at www.colorado.gov/cdphe/PFCs/2020-Sampling-Project.
- Survey of fire departments and their use of foam containing PFAS as directed by HB19-1279.
- Develop an inventory of where PFAS have been found or believed to have been released to understand the extent of contamination.
- A review of the drinking water priority list of contaminants or substances for which minimum general sanitary standards may be appropriate, see Section 25-1.5-202, C.R.S. occurred. The division determined the priority list established in 2019 is sufficient at this time and thus, does not recommend changes to the commission. The list is as follows.
 - Perfluorooctanoic acid (PFOA) Chemical Abstract Service Number (CAS No.) 334-67-1.
 - Perfluorooctane sulfonate (PFOS) CAS No. 1763-23-1.
 - Perfluorohexane sulfonic acid (PFHxS) CAS No. 355-46-4.
 - Perfluorononanoic acid (PFNA) CAS No. 375-95-1.

The division may add new contaminants in the future based on these considerations: (1) additional toxicology resources to evaluate health risks; (2) further sampling results showing presence in drinking water at levels of concern; (3) federal efforts to address PFAS in drinking water. The EPA is working on finalizing draft toxicity assessments. The division will compare health-based guidance from the Toxicology and Environmental Epidemiology Office at CDPHE and other state and federal entities to sampling results from drinking water supplies and sources in Colorado.

- The division closely monitors federal efforts to address PFAS in drinking water. In February 2020, the EPA announced its proposed determination to regulate PFOA and PFOS in drinking water. The EPA is now required to draft the standards within 24 months and finalize those 18 months after announcement of the draft standards. However, the EPA's process often takes considerably longer than that. Typically, states have two years to adopt national standards. Following adoption, there is usually an initial monitoring period of one or more years and a final compliance date at the end of initial monitoring.
- The Clean Water Program staff worked with a PFAS narrative policy work group to gather feedback on a draft policy that interprets the commission's narrative surface water and groundwater standards for five PFAS compounds and detailed laboratory methods for 25 PFAS compounds. The commission adopted the policy (Policy 20-1 Policy for Interpreting the Narrative Water Quality Standards for Per- and Polyfluoroalkyl Substances) in July 2020. Adopting the policy addresses one component of the department's PFAS Action Plan.

C. Environmental Justice and Equity

Environmental justice and health equity are department priorities that the division strives to learn more about and works to embed in our division processes and activities.

- During the review and evaluation of Denver Water’s variance request to the Lead and Copper Rule, the division ensured Denver Water maintained health equity and environmental justice as a priority in their proposed program. After months of deliberation, the state and EPA approved the program in December 2019 and has overseen the program since the January 1, 2020 launch date. The division works with the department’s Office of Health Equity to ensure health equity and environmental justice considerations are incorporated when implementing the variance.
 - Prioritizing the replacement of lead service lines in disadvantaged communities that are at risk.
 - Offering communication materials and services in multiple languages.
 - Connecting with community leaders in those disadvantaged communities so important messages are relayed through someone they trust.
 - Organizing a stakeholder advisory committee composed of community leaders so feedback from the community can be relayed back to Denver Water and adjustments can be made.
- The division continues to implement an assistance grant program that is specifically designed to break down barriers public drinking water systems face when accessing grant funding. The division offers up to \$25,000 per system which is enough funding to give systems a significant boost towards meeting compliance requirements and protecting public health. At that amount, fewer documents are required compared to larger grants thus making it more accessible to systems that do not have the resources to dedicate many hours towards grant management. Eighteen systems participated in the 2019 program, and the average project cost was \$14,000. In 2020, the program is set to support six systems and the average project cost is approximately \$25,000.
- Pushing forward PFAS narrative standards guidance through the Water Quality Control Commission was inherently a health equity and environmental justice effort. These toxic substances are readily found in areas with heavy industry, such as oil and gas refineries, and studies have shown these facilities disproportionately reside within or next to low-income, non-white neighborhoods. A number of representatives from these communities provided feedback during the division’s PFAS narrative standard stakeholder process and we believe they played a critical role in getting the guidance passed by the commission. Not only do we have this guidance to limit PFAS leaching into these communities, but we also developed important relationships which will help us in learning and understanding what more can be done for disadvantaged communities in Colorado.
- The division recognizes there is room for health equity and environmental justice advancement within the two programs. In 2019 and 2020, staff coordinated and identified pilot ideas or areas to explore in late 2020 through 2022.
 - Use data to inform how impaired waters may overlap with disadvantaged communities, learn how those impaired waters may be used by that community (e.g., fishing or providing recreation choices), and identify opportunities to take action (e.g., making change through permit processes).
 - Make division material more accessible such as translating public notices to other languages, and making content in documents more clear and simple.
 - Continue to engage with and learn from groups representing disadvantaged communities and grow our network.
 - Evaluate and/or develop clear enforcement and engineering guidance so it’s easier for communities to access this important information without investing significant resources.
 - Continue to advance progress by engaging with the Office of Health Equity and learning from other entities’ or agencies’ tactics.

D. Municipal Separate Storm Sewer Systems (MS4)

Urban stormwater is a significant source of pollution in Colorado. To better control it, operators of MS4s in urban areas are required to obtain permit coverage for discharges from their MS4s to waters of the state and control pollutants to the maximum extent practicable. Operators of MS4s include Colorado cities and counties (referred to as “standard” MS4s) as well as other governmental organizations such as the Department of Transportation, special districts, and school districts (referred to as “non-standard” MS4s). The permits require the implementation of control measures to prevent or reduce the discharge of pollutants to waters of the state.

The division issues both individual and general permits to MS4s. An example of an individual MS4 permit the division issues is the City and County of Denver’s MS4 permit that covers stormwater discharges from the city’s stormwater collection system. This permit is in the process of being renewed. The division has conducted significant public outreach on this permit, and it will be issued later this year.

E. Legacy Mining Impacts to Water Quality

In SFY2020, the division completed two projects that support efforts to reduce water pollution related to abandoned hard rock mines. This is an important topic for Coloradans because pollutants related to abandoned mines impair more than 1,800 stream miles in Colorado.

1. The first project was contracted with the Colorado Geological Survey (CGS). In conjunction with more than a dozen state and federal agencies, CGS developed the Colorado Abandoned Mine Data Hub, which is a cloud-based, interactive mapping tool displaying a multi-agency compilation of abandoned mine information. The Abandoned Mine Data Hub is publicly available at <https://erams.com/map/>. The abandoned mine data set is also utilized by the eRams in the Colorado Watershed Rapid Assessment Program (WRAP).
2. The second contract was with the Colorado School of Mines. Dr. Linda Figueroa completed a research project on the efficacy of Electro-Biochemical Reactor (EBR) Technology. EBR technology is a promising advance that has the potential to reduce the dissolved heavy metals in mine water while addressing the ongoing challenges of mine water treatment. Research review and bench-scale testing for this project occurred from 2018 through 2019. A technical advisory group was organized for this project that included technical experts from the Environmental Protection Agency, United States Geological Survey, Trout Unlimited, Hazardous Materials and Waste Management Division, Colorado Water Quality Control Division and the Colorado Division of Reclamation, Mining and Safety. The results of this study show that electrochemical treatment may be an option for treating mine waters, especially those with high concentrations of manganese and low concentrations of zinc. Unfortunately, there are typically high concentrations of zinc found in abandoned mine discharges in Colorado, so a feasible site for implementation within Colorado was not identified.

Additionally, the division continued to utilize data collected in the 2017 Colorado Abandoned Mine Water Quality study, which sampled nearly 150 abandoned mines, to prioritize additional environmental characterization and restoration work. This was done through the Colorado Mixed Mine Ownership Group that is made up of the Colorado Department of Natural Resources/Division of Reclamation, Mining and Safety, the Colorado Hazardous Materials and Waste Management Division, the EPA, the U.S. Forest Service, the U.S. Fish and Wildlife Service, and many other organizations. The division continues to coordinate with the Colorado Department of Natural Resources/Division of Reclamation, Mining and Safety, Hazardous Materials and Waste Management Division, and EPA Region VIII on mining-related water quality issues.

F. 10-Year Water Quality Roadmap and Nutrient Management Plan

The division and Water Quality Control Commission have developed a comprehensive 10-Year Water Quality Roadmap and Nutrient Management Plan to make progress on reducing nutrients as we work towards developing numeric nutrient criteria by 2027. The Water Quality Forum's 10-Year Water Quality Roadmap work group provides critical input as we implement the roadmap. The plan includes the following items.

- Provides an overview of Colorado's current nutrient management framework.
- Discusses plans for further reducing nutrients from point source and nonpoint sources.
- Outlines the major milestones the division, Water Quality Control Commission, and stakeholders will need to undertake over the next 10 years to implement the plan.
- Provides an overview of how Colorado will continue to make progress on revising nutrient standards.
- Summarizes other standards development efforts through 2027 for selenium, ammonia, arsenic and cadmium.
- Details plans for developing feasibility information over the next 10 years.
- Establishes how the division will monitor and measure progress related to nutrient controls.

2020 roadmap implementation

- Technical Advisory Committees met to consider revised criteria for temperature, cadmium and lake nutrients which resulted in the adoption of statewide cadmium standards in December 2019.
- The division reviewed facilities' nutrient data submitted pursuant to Section 85.6 and uploaded data to the national STORET database.
 - Since 2014, the division has added total phosphorus and total nitrogen to the routine panel assessed at all monitoring sites in an effort to supplement the existing body of data on nutrient levels in Colorado. In addition, facilities with design capacities greater than one million gallons per day have been collecting both in-stream and effluent data. All of this data has been used to establish a baseline of nutrient concentrations in the state.
- The division developed a baseline for non-nutrient parameters included in the 10-Year Water Quality Roadmap including selenium, arsenic, ammonia and cadmium. Baseline information has been shared with the forum work group.
- Of the 46 domestic wastewater treatment works currently subject to the Regulation 85 effluent limits, the division has implemented applicable requirements in 32 permits. Of those 32, four met the dilution exception under Regulation 85.5(3)(b)(i), so numeric effluent limit requirements in 85.5(1)(a)(iii) do not apply. In September 2020, the division issued public notice on draft permits for two domestic facilities that will receive Regulation 85 limits upon renewal, according to the basin schedule.

G. Nonpoint Source Program (NPS)

- The nonpoint source (NPS) program continued to expand its proactive partnership with the agricultural community during this reporting period. Activities include promoting Regulation 85 voluntary nutrient controls and highlighting the sources and effectiveness of such controls, providing information and continuing education campaigns about nutrients, and monitoring nutrients to better understand nonpoint source to point source nutrient trading expectations. The nonpoint source program did this in partnership with Colorado State University (CSU), the Colorado Department of Agriculture, the Colorado State Forest Service, and a number of local partners.
- The NPS program worked with its partners to implement best management practices (BMPs) for reducing nonpoint sources of nutrients. During this reporting period, the NPS program provided funding assistance for several agricultural nutrient reduction projects: two targeting nutrient and sediment reduction in the Lower Arkansas; one nutrient and selenium reduction project in the South Platte; one agriculture nutrient and selenium reduction project in the Lower Gunnison; and, one

statewide silviculture nutrient reduction project. The NPS program also continued to manage the nutrient and selenium reduction projects highlighted in last year's annual report.

- The NPS program continued to collaborate with the Natural Resources Conservation Service (NRCS) to promote implementation of effective BMPs for reducing nonpoint sources of nutrients. The division worked with NRCS to identify the Graveyard and Limestone watersheds in the Lower Arkansas as National Water Quality Initiative (NWQI) watersheds. One of the factors in identification of these watersheds was willingness of producers to receive NRCS funding assistance for BMP implementation in order to control nonpoint sources of nutrients, sediment and/or E. coli. In collaboration with NRCS, the program will continue to promote implementation of BMPs in these watersheds and will collect data to demonstrate effectiveness of these practices. In addition, the program continued discussions with NRCS about executing a memorandum of understanding which would allow the nonpoint source program to obtain nutrient BMP data directly from NRCS while still protecting the producers' privacy.
- Two nonpoint to point source phosphorus trades were proposed under Regulation 73 (Chatfield Reservoir Control Regulation) during this reporting period. These trades were proposed to secure a total phosphorus wasteload allocation for new domestic wastewater treatment facilities, as required under Regulation 73. One trade was approved and the second is still being evaluated. The approved nonpoint to point source trade was for the Jellystone Park at the Larkspur Wastewater Treatment Facility. The trade proposal was evaluated by the division, in collaboration with the Chatfield Watershed Authority, to ensure consistency with requirements in the Colorado Pollutant Trading Policy, Regulation 73 - Chatfield Reservoir Control Regulation, Regulation 85 - Nutrients Management Control Regulation, and the Chatfield Watershed Authority Water Quality Trading Guidelines. The trade is expected to achieve a net environmental benefit and not cause adverse localized impacts in accordance with Regulation 85 (85.5(3)(d)).
- During this reporting period, the NPS program conducted three nutrient information and education outreach activities. The NPS program also continued its information and education collaboration with the Colorado Department of Agriculture, Colorado State University, the South Platte Agricultural Nutrients Committee, the Colorado Monitoring Framework-Agricultural Task Force, the Colorado Agricultural Water Alliance, the Lower Arkansas Valley Water Conservancy District and many other local organizations and partners. These partners collectively conducted over 10 nutrient information and education outreach activities during this reporting period.
- The NPS program also continued its funding assistance for nutrient information and education outreach projects. During this reporting period, the program helped fund CSU's maintenance of the Regulation 85 outreach website at <https://coagnutrients.colostate.edu/colorado-regulation-85> which houses, among other things, videos and fact sheets discussed in last year's annual report. This CSU project also included a survey which resulted in a compilation of information about nutrient BMPs being utilized by producers. The NPS program also initiated a project with Moxiecran Media to produce postcards and calendars documenting BMPs that when implemented improve water quality in NPS impacted waterbodies in communities across the state.

H. Water Reuse

Consistent with the Colorado Water Plan, the division has been involved in a variety of activities related to graywater and reclaimed water regulations. The following is a summary of these efforts.

- Regulation 84 - Reclaimed Water Control Regulation: The division, stakeholders and Aurora Water reached consensus on a City of Aurora request to add hydraulic fracking to Regulation 84 uses; this was submitted to the commission in early July 2020. After obtaining stakeholder feedback, the division also developed a Letter of Intent for localized reclaimed water treatment system and User Plans to Comply (UPCs) and Notices of Authorization templates for these uses: toilet and urinal flushing; commercially and non-commercially processed food crops; edible and non-edible hemp;

and resident controlled food crop irrigation. Customers can find these resources on the division website.

- The division remains engaged with Water Reuse Colorado regarding the possibility of developing a regulatory framework (policy, regulations and guidance) to support direct potable reuse. The division intends to begin stakeholder work in late 2020 regarding a direct potable reuse rule but will likely need to reduce the scope of the rulemaking and overall framework development with a phased approach.
- Regulation 86 - Graywater Control Regulation: Stakeholder meetings to consider expanded use were put on hold in 2018 due to division resource limitation. This activity did not resume during the reporting period.

I. Monitoring Activities

Colorado receives Clean Water Act Section 106 monitoring initiative grant money to fund monitoring and implementation of the EPA’s 106 Monitoring elements (Monitoring Program Strategy, Monitoring Objectives, Monitoring Design, Core and Supplemental Water Quality Indicators, Quality Assurance, Data Management, Data Analysis/Assessment, Reporting, Programmatic Evaluation, General Support and Infrastructure Planning).

- **Routine sampling:** The division uses a rotating basin approach for primary stream monitoring. Samples are analyzed for a suite of constituents including metals, inorganics and nutrients, dissolved oxygen, pH, specific conductance, turbidity and temperature. The entire state is sampled on a five-year cycle to align with the commission’s review schedule. The number of sites and the number of times a specific site is sampled each year is controlled by the division’s monitoring budget for laboratory analyses, which in SFY2020 was \$486,121. In SFY2020, the specific river basins targeted were the San Juan River Basin and Dolores River Basin.

| Total number of sites sampled | Number of trend sites* | Trend site sampling breakdown |
|-------------------------------|------------------------|---|
| 216 | 29 | South Platte River Basin: 7 samples (24%) Colorado River Basin: 10 samples (34%) Arkansas/Rio Grande River basins: 6 samples (21%) San Juan/Gunnison River basins: 6 samples (21%) |

*Maintained annually and independent of the sites selected for the focus basin in a particular fiscal year.

- **Special studies:** Monitoring includes synoptic sampling events for a variety of projects including legacy mining investigations, total maximum daily load determinations, fish tissue sampling and other water quality investigations.
 - **Legacy mining:** The division sampled at a trend monitoring station on the upper Animas River near Silverton below Mineral Creek. This site is sampled every other month during the same 12-month period each year. The division’s involvement in long-term monitoring activities in the Upper Animas River has diminished significantly as an EPA contractor has taken over the quarterly monitoring of water quality, sediment, fish, benthic macroinvertebrates and physical habitat. The EPA contractor began work in September 2018 and has continued through June 2020. The division received an EPA grant under the Water Infrastructure Improvements for the Nation (WIIN) Act to estimate the natural annual variability of Upper Animas River benthic macroinvertebrate populations by analyzing sequential years of data at sites across a gradient of metal exposures and to continue funding for a communication liaison position stationed in the Town of Silverton. This liaison

- serves as a point of contact between EPA personnel attending to the Bonita Peaks Mining District Superfund area and downstream users/stakeholders.¹
- **Fish tissue:** Three reservoir sites across the state were sampled for fish tissue from July 1, 2019 through June 30, 2020. A new fish consumption advisory was issued for Grand Lake for lake trout and white sucker in the spring of 2020. As of July 1, 2020, there were 26 advisories for lakes and reservoirs in Colorado. The division maintains a strong working relationship with the Colorado Division of Parks and Wildlife aquatic biologists by providing rationales behind sampling site priorities, supporting biologists' efforts in the field, and modifying sampling priorities based on feedback from the biologists. The division partnered with the department toxicology and environmental epidemiology staff to create a [fish consumption advisory dashboard](#). Fish tissue sampling data is also being used to evaluate selenium behavior in Colorado and support updates to Colorado's selenium table value standards. The division expects to bring to the commission a proposal to update the selenium standards by 2027.
 - **Algal data:** In 2012, the commission adopted interim numeric nutrient criteria for the protection of the Aquatic Life Use in rivers and streams. These values were based on a stressor response relationship derived from the response of the macroinvertebrate community to nutrient concentrations. In 2020, the division continued to work toward using algal community endpoints such as diversity, abundance, and biomass to refine nutrient criteria for streams by collecting algal data from 28 sites targeting eutrophic streams, streams in biotypes 2 (mountains) and 3 (plains), and "stressed" sites in all use classes and reference sites in cold 2 and warm use classes. The division also began working with the EPA on a pilot project using Colorado's algal dataset to develop metrics to identify and classify nutrient enrichment in rivers and streams. The additional data and preliminary analyses will allow the division to better understand algal community characteristics and responses to nutrients, develop algal indices that are responsive to nutrients, and identify protective use-based thresholds. The division plans to propose revised standards for phosphorus and nitrogen for rivers and streams in 2027.
 - **Total Maximum Daily Load (TMDL) data:** The Watershed Analysis and Implementation Support (WAIS) work group is responsible for calculating this data. The WAIS work group secured funding from the Colorado Water Resources and Power Development Authority and partnered with Colorado State University to conduct several seasons of E. coli and stream discharge monitoring at a frequency and spatial resolution to support development of TMDLs for segments of the Cache la Poudre River, Sand Creek and Clear Creek. The monitoring continued during this reporting period. The WAIS work group also collaborated with the division's Environmental Data Unit on an E. coli special study in Cherry Creek to support future TMDL development.
 - **Lake and reservoir monitoring:** The division continued its lake and reservoir sampling in SFY2020. The division focused sampling efforts on the San Juan and Gunnison River basins to provide data for the upcoming triennial review and for lakes on the monitoring and evaluation list ahead of the 2020 hearing for the 303(d) List of Impaired Waters.
 - 6 lakes from the San Juan and Gunnison basins were sampled three times each during the growing season.
 - 8 lakes from the Arkansas and Rio Grande basins were also sampled to screen for monitoring sites for future basin hearings.
 - 19 lakes located in the Front Range were sampled for nutrient criteria development.

¹ In July 2020, the division was awarded additional WIIN Act monies to monitor drinking water wells in San Juan County by San Juan Basin Public Health in SFY2021.

At each lake, depth profiles of dissolved oxygen, pH, conductivity and temperature were collected at one-meter intervals. Water quality samples were taken from near the surface and near the bottom. Samples were analyzed for a suite of chemical parameters including nutrients, metals, and inorganics. In addition, the surface sample was analyzed for chlorophyll-a content as a measure of trophic status and for the phytoplankton population to determine algal species composition. The division continued collecting cyanotoxin data from across the state.

- **Aquatic life and habitat studies:** The division collected macroinvertebrate and habitat samples at multiple locations in the state. The aquatic life studies included the following activities:
 - Targeted sampling of one M&E listed stream segment (SJPI06a).
 - Investigating Aquatic Life Use Policy Statement 10-1 high quality water declines in MMI scores.
 - Collecting periphyton samples at existing reference sites where algal assemblages were not previously collected.
 - Investigating two waterbody segments with potential to upgrade the aquatic life use from a class 2 to class 1 designation.
 - Investigating and visiting candidate reference sites in the Dolores River, Gunnison River and Upper Rio Grande River basins.
 - Characterizing the chemical relationship between benthic macroinvertebrates and nutrients at select Front Range sites.
 - Continuing to sample the Dolores River to address data gaps in that sub-basin and characterize biological condition in an area with legacy mining.
 - Gathering sediment data to investigate a potential new sediment region characterized by high elevation and flat terrain, such as North Park, to support continuing improvement of Sediment Guidance 98-1.
 - Taking and analyzing water quality samples at each of the habitat sites for a specific suite of chemical constituents. These data plus habitat scores, periphyton samples and occasional substrate measurements will be used in the assessment of the aquatic life use and 303(d) or monitoring and evaluation (M&E) listing decisions.

The division collected water quality and macroinvertebrate data from Mosquito Creek to support work on site-specific water quality standards. In addition, the division worked collaboratively with a concerned citizens group in Alma, Colorado (sediment issue on the Middle Fork South Platte River), the U.S. Forest Service, Colorado Parks and Wildlife, and Mountain Studies Institute (Durango, CO) in order to collect macroinvertebrate samples at monitoring stations of particular importance to these agencies, citizens or watershed groups.

- **Nonpoint source monitoring:** The EPA Clean Water Act Section 319 grant supports the Success Story Initiative and collaboration with the Natural Resource Conservation Service (NRCS) on the National Water Quality Initiative (NWQI) for priority watersheds in Colorado. The program's role in the NWQI is to monitor the effectiveness of conservation practices that the NRCS helps farmers and ranchers implement to improve water quality in high-priority streams, rivers, lakes and reservoirs in the state. One of the primary focuses for this monitoring collaboration is to highlight projects resulting in restoration of waterbodies that demonstrate reductions of nonpoint source pollution. During this reporting period, the NPS program highlighted the Middle South Platte River as its success story. Runoff from irrigated agriculture contributes to high selenium concentrations in parts of the South Platte River due to the underlying cretaceous shale formations. In 2010, the Colorado Water Quality Control Commission (WQCC) added a 51.5 mile stretch of the Middle South Platte River to the Clean Water Act Section 303(d) list due to aquatic life being impaired by selenium. Voluntary restoration efforts led by local producers to implement best management practices (BMPs) have reduced selenium loading to the river from irrigated farmland activities. This segment of the Middle South Platte River now meets the selenium water quality standard,

and the WQCC removed the segment from the impaired waters list following the 2016 Regulation 93 hearing.

- **Data requirements:** Each implementation project receiving NPS funding support is required to collect data in order to evaluate the effectiveness of BMPs. The NPS program supports this effectiveness evaluation through pre- and post-contract water quality monitoring and data analysis. Focus areas for the program during this reporting period are shown below.
 - Kerber Creek and Willow Creek restoration projects: sample collection post-implementation to evaluate long-term effectiveness of BMPs to address mine wastes/tailings.
 - Upper South Platte restoration projects: sample collection post-implementation to evaluate BMPs to address post-fire water quality impacts.
 - Lower Arkansas River selenium and nutrient reduction project: implementation of BMPs to address selenium and nutrient runoff to the Lower Arkansas River. In collaboration with local partners, the nonpoint source program conducted pre- and post-project monitoring to evaluate BMP effectiveness with respect to selenium and nutrient load reductions. These data are also being used to inform water quality model development that the program is supporting through contracts with Colorado State University. Use of this model will help the program simulate BMP implementation scenarios to ensure BMP funding is effectively prioritized to maximize water quality benefit. The model will also assist the WAIS work group in the development of an alternative restoration plan for the Lower Arkansas between the John Martin Reservoir and the Kansas state line.
- **Technological advances:** The NPS program worked with its partners to include edge-of-field monitoring in the majority of agricultural projects receiving NPS funding assistance. This coupled, with the outcomes of a Colorado State University project evaluating mechanisms to reduce the cost of edge-of-field monitoring systems from \$20,000 to below \$1,000, will help us target BMP implementation and edge-of-field monitoring to maximize Colorado's opportunities and resources to support water quality.
- **National Water Quality Initiative (NWQI) partnership:** The NPS program continued its NWQI partnership with the EPA and NRCS to control nonpoint source pollution from the agricultural sector through collaborative efforts with local producers. Data are gathered in collaboration with NRCS and local producers to evaluate effectiveness of conservation practices implemented in the watershed to reduce nonpoint sources of nutrients, sediment and E. coli. During this reporting period, the NPS program and partners continued gathering data in the Grape Creek/DeWeese Reservoir watershed which is one of the NWQI watersheds. The NPS program continued to assess data collected from 2014 - 2019 to evaluate impacts that conservation practices are having on water quality in the Grape Creek watershed. Initial data assessments indicate improved water quality from the time conservation practices were implemented, and the NPS program plans to continue data collection to better document and understand the effect of these practices. In addition, in response to the NRCS identifying new NWQI watersheds in Colorado, the NPS program began baseline data collection in the Graveyard and Limestone watersheds in the Lower Arkansas.
- **Water Pollution Control Revolving Fund assisted infrastructure projects:** Five studies evaluated the net change in water quality to receiving streams. New studies to determine pre-project conditions included the Idaho Springs Waste Water Treatment Plant Secondary Treatment Expansion and the Three Lakes Water and Sanitation District Table Mountain Facility Copper Removal project. Post-construction studies began for the City of Durango Wastewater Treatment Plant (Santa Rita) Improvements and will be complete in early SFY2021. Two projects were completed in SFY2020 including data analysis and final reporting for the Town of Cedaredge New Domestic Wastewater Treatment Facility, and the City of Wray Wastewater Treatment Facility Improvements project.
- **Abandoned hardrock mines:** Sample collection concluded for a study evaluating water quality impacts and quantifying pollution contributions from abandoned hardrock mines in the East Mancos

watershed near Durango. The assessment and reporting phase will take place in SFY2021 with the collaboration of the Division of Reclamation, Mining and Safety and the Mountain Studies Institute.

J. Permitting

Permitting measures are updated annually as part of the division’s HB17-1285 report. The information in this section is a subset of the March 2020 report that was submitted to the legislature. As of September 30, 2019, approximately 8,399 permits were in effect. About 407 were individual permits, and the remainder were certifications under approximately 20 general permits.

| Permit category | Total Permits and specifics if applicable |
|---|--|
| Industrial and domestic discharges to surface water (process water) permits | <ul style="list-style-type: none"> • 2,024 (some include stormwater protections). • 382 individual. • 10 general. • 10,000 authorizations. |
| Municipal separate storm sewer systems (MS4) | <ul style="list-style-type: none"> • 59 MS4s operated by cities and counties authorized under 2 general permits. • 61 MS4s operated by other governmental organizations authorized under a third general permit. |
| Industrial stormwater | <ul style="list-style-type: none"> • 1,002 general permits. • 386 no-precipitation certifications. |
| Construction stormwater | <p>Issued when clearing, grading and excavating activities disturb one acre or more, including smaller sites as part of a larger common plan. The upward trend of construction projects continued in this reporting period.</p> <ul style="list-style-type: none"> • 5,146 permit certifications. • 1 construction stormwater discharges general permit. |
| Pesticides | Total unknown as this is a self-implementing permit; however, the division received reports from approximately 76 dischargers in 2019. |
| Groundwater | <p>The division issues permits authorizing discharges to groundwater from domestic sewage systems with a design capacity greater than 2,000 gallons per day. Discharges from smaller systems are subject to county authority.</p> <ul style="list-style-type: none"> • 150 permits. |
| Regulation 64 Biosolids | The regulations require that application rates be based upon the nutrient requirements of the crops under cultivation. In 2019, approximately 90.5 percent of biosolids generated by municipal wastewater treatment facilities in Colorado were beneficially reused and subject to regulation under the program. Because Colorado has not been formally delegated authority to implement the federal biosolids program, the EPA retains ultimate authority over the federal program. |
| Regulation 63 Pretreatment | <p>Permits industrial user facilities that discharge to domestic sewage systems without a federally approved local pretreatment program. The regulation authorizes requirements equivalent to and more stringent than the federal program.</p> <ul style="list-style-type: none"> • 2 state-authorized pretreatment programs. • 10 permits or control mechanisms. |

| | |
|----------------------------------|---|
| Regulation 84 Reclaimed water | <p>29 entities are authorized to treat and distribute reclaimed water. In 2019, these totals were reported.</p> <ul style="list-style-type: none"> • 17.5 million gallons used for agricultural irrigation. • 14.4 million gallons used for commercial zoo operations. • 1.86 billion gallons used for industrial categories. • 3.97 billion gallons used for landscape irrigation. |
|----------------------------------|---|

Permit backlog is a measure of uncompleted work. A backlogged permit is defined as a permit that has not been renewed prior to its expiration date or as a new individual permit that is not issued within 180 days of receipt of the permit application. Permitting backlog as of September 30, 2019, is summarized in the following table. As was noted in the 2020 HB17-1285 report, the division’s backlog decreased this past year in large part due to the renewal of the general permit for construction stormwater.

| | No. of backlogged permits | No. of current permits | Total | Percent of backlogged permits |
|---|---------------------------|------------------------|--------------|-------------------------------|
| Groundwater Process Water Individual Permits | 88 | 45 | 18 | 82% |
| Groundwater Process Water General Permits | 88 | 45 | 133 | 66% |
| Pesticides Application General Permits | 0 | 75 | 75 | 0% |
| Surface Water Stormwater (MS4) Individual Permits | 6 | 1 | 7 | 86% |
| Surface Water Process Water Individual Permits | 144 | 238 | 382 | 38% |
| Surface Water Process Water General Permits | 855 | 654 | 1,509 | 54% |
| Surface Water Stormwater General Permits | 1,062 | 5,206 | 6,274 | 17% |
| Total | 2,176 | 6,223 | 8,399 | 26% |

K. Environmental Agriculture Program

The environmental agriculture program administers regulatory, permitting, compliance assistance and compliance assurance activities for animal feeding operations (AFOs), concentrated animal feeding operations (CAFOs - e.g., large dairies, feedlots, poultry facilities) and housed commercial swine feeding operations (HCSFOs). The program utilizes a sector-based approach that takes into account the interaction and environmental impact of air, water and soil resources when making regulatory and policy decisions.

Applicable regulations:

- 1) Water Quality Control Commission.
 - Regulation 61 - Colorado Discharge Permit System Regulations.
 - Regulation 81 - Animal Feeding Operations Control Regulation.

- Regulation 66 - Financial Assurance Criteria Regulation for Colorado Housed Commercial Swine Feeding Operations.

2) Air Quality Control Commission.

- Regulation 2, Part B - Odor Emission for HCSFOs.
- 93 swine farms covered by nine individual NPDES permits.
- 70 air permits.
- 97 certifications under the general CAFO permit.
- 1 individual CAFO permit.
- 114 non-permitted CAFOs.
- 100s of AFOs.

During SFY2020, program staff completed 69 AFO compliance assurance inspections at animal feeding operations (43 CAFO; 26 HCSFOs at 18 permitted facilities and 25 non-permitted facilities). HCSFO inspections were affected by the COVID-19 pandemic and related Stay-At-Home and Safer-At-Home public health orders. Though in-person inspections did not occur, compliance rates at CAFOs remained very high. On average, inspected non-permitted CAFOs were compliant with approximately 94% of relevant surface and groundwater requirements while permitted CAFOs were compliant with approximately 95% of relevant surface and groundwater requirements. While the number of HCSFO inspections were impacted by the pandemic, compliance rates at inspected sites remained very high at 99% compliance with applicable air and water permitting requirements. No violations were found at nearly 40% of the CAFOs inspected in SFY2020 and only one violation was identified during the 27 HCSFO inspections.

The number of days required for facilities to return to compliance following an inspection remained consistent or decreased in SFY2020. On average for inspected facilities that reached their compliance due date, non-permitted CAFOs returned to compliance in 78 days, permitted CAFOs returned to compliance in 143 days and HCSFOs returned to compliance in 43 days.

The program certified seven CAFOs under general discharge permit COA933000 in SFY2020. The program currently has three new applications for permit coverage under review. The final HCSFO individual discharge permit was renewed in SFY2020.

Program goals for SFY2021

- The program will continue to refine processes for data collection from permit applications, registrations, quarterly and annual reports, inspections, etc. to facilitate a smooth transition to the division's new online database.
- Utilize the program's risk-based assessment tool to identify CAFO operations that are in close proximity to surface water, groundwater, and urban development in order to conduct site visits and provide compliance assistance and best management practice implementation.
- Continue to expand and utilize the program's work-from-home proficiencies to ensure an efficient and effective program that meets stakeholder expectations and supports the department's strategic plan.

L. State Funded Grant Programs

Water Quality Improvement Fund (Section 25-8-608(1.5), C.R.S.; Regulation 55)

The WQIF was created to provide grants to local communities/entities to improve water quality, health and safety. Revenue for the fund comes from penalties assessed on polluters who have committed water quality

violations. The division issued a Request for Application in SFY2019-20. The table below shows the awardee and the amount of the award.

TABLE 1 - WATER QUALITY IMPROVEMENT FUND SFY2019-20

| Award recipient | Award amount |
|--------------------------------|--------------------|
| Associated General Contractors | \$50,000 |
| Colorado State University | \$50,000 |
| Monte Vista, City of | \$26,819 |
| Louisville, City of | \$200,000 |
| Vona, Town of | \$24,600 |
| La Veta, Town of | \$108,174 |
| Lamar, City of | \$210,000 |
| Genoa, Town of | \$210,000 |
| Pagosa Springs, Town of | \$156,024 |
| Las Animas, City of | \$44,383 |
| Total | \$1,080,000 |

Small Community Grant Program (Section 25-1.5-208, C.R.S.)

This program assists suppliers of water and domestic wastewater treatment works that serve a population of not more than 5,000 people with meeting their responsibilities for the protection of public health and water quality. This appropriation was reduced by \$5.6 million for FY21; the division is developing a Request for Application for the remaining funds (approximately \$4 million).

M. Lead

All water systems subject to the lead and copper rule are required to sample annually or twice per year for lead. Since 2016, the division has provided considerable technical assistance to improve sampling processes. In 2019, the division began issuing violations to water systems if their samples were not collected at the right places. The division has worked with Denver Water and the EPA to assess a possible approach involving a full lead service line inventory, accelerated lead service line removal, provision of filters to customers with lead service lines, and execution of a communication and outreach plan. This approach was proposed by Denver Water as a variance from using orthophosphate as the optimum corrosion control treatment designated by the division in March 2018. This particular kind of treatment technique variance could only be approved by EPA. Denver Water submitted its variance request in August 2019. EPA approved the variance in December 2019, but only for a period of three years. The variance will need to be approved again after that time provided that Denver Water demonstrates that implementing the variance is at least as effective in protecting public health as adding orthophosphate. The division strongly supported the variance as better public health and environmental protection, better for health equity and environmental justice and being more cost effective.

N. Harmful Algae Blooms

Cyanobacteria harmful algal blooms (cyanoHABs) have been detected in Colorado waterbodies since at least 2001 and may generate toxins that are dangerous to humans and animals. In SFY2020, the division helped numerous agencies and local waterbody managers respond to concerns associated with cyanoHABs. The division worked closely with Colorado Parks and Wildlife and the Laboratory Services Division to collect and test water samples for toxins from numerous lakes. As of the end of summer 2019, warning and closure signs were posted for the following lakes after elevated levels of cyanotoxins were detected: Barr Lake, Windsor Lake, Prospect Lake and Homestead Ranch. Additional lakes were also closed by municipalities and private lake managers. Most blooms resolved by the end of September, but Prospect Lake continued to have a toxic bloom well into October. The advisory was lifted at the end of October after two subsequent tests resulted in toxin levels below the advisory threshold. The summer 2020 cyanoHAB season began in June. As of June 30, three reports of possible cyanoHABs had been received by the division. Prospect Lake once again tested above advisory levels for microcystins and was closed for recreation. Two other waterbodies were tested prior to the end of June, but results were below laboratory reporting limits.

Public awareness concerning cyanotoxins continues to grow each year, and the division responded to numerous media requests and concerned citizen calls throughout SFY2020. In winter/spring of SFY2020, the division worked closely with the Disease Control and Environmental Epidemiology Division to develop new web materials and toxic algae advisory dashboard. The new dashboard is located alongside other Colorado Environmental Public Health Tracking data, and presents historical state toxic algae data in an easy to use format. In addition, the Colorado Risk Management Toolkit for Recreational Waters was updated for 2020, and a new toxic algae FAQ and flyer were developed. These materials will go live in time for the 2020 cyanoHAB season. These tools will help the division provide the public with effective and accurate health risk communications regarding exposure to cyanotoxins.

IV. WATER QUALITY CHALLENGES

A. PFAS

State law (C.R.S. 25-1.5-202) establishes a rigorous process and requires robust evaluations including health risk assessment, environmental analysis and treatment considerations that the department must complete in order to set drinking water standards. The department needs additional toxicologists, engineering staff, compliance and laboratory specialists plus administrative, communication and legal resources to support such an undertaking. As discussed above, the state has made significant process to address PFAS; however, current resources are insufficient to develop and implement drinking water standards in 2021.

B. Unregulated Contaminant Monitoring Rule 4

The fourth round of unregulated contaminant monitoring based on the federal rule of the same name began in January 2018. All public drinking water systems above 10,000 in population along with a subset of smaller systems are required to sample for thirty unregulated contaminants through December 2020. This process helps the EPA determine the occurrence and levels of contaminants around the nation and contributes to the EPA's decision-making regarding the need to regulate these chemicals. Manganese, cyanotoxins and some disinfection byproducts could be detected at levels of concern in drinking water served to the public, but this has not happened yet. The division coordinated with the EPA and the Colorado Water Utility Council to prepare for this eventuality, but given resource constraints, we remain in a more reactive mode than desired. The department has been closely monitoring the test results with support from EPA Region 8 to make sure drinking water from the participating water systems is safe from the unregulated contaminants being targeted.

C. Municipal Separate Storm Sewer Systems (MS4)

Many of Colorado's urban streams are listed on the 303(d) list as being impaired for E. coli, a common pollutant in urban stormwater runoff. As the division renews its MS4 permits, control measure requirements to reduce E. coli in discharges, as well as other pollutants that may degrade receiving waters, are reviewed and additional or modified controls may be included. Some of these control measures can be expensive and the division has utilized extended compliance schedules to address financial concerns when appropriate.

In addition, the division has noted in its HB17-1285 report for the past two years that there is a recognized lack of resources for compliance oversight of the MS4 sector. The division has prioritized resources for permit renewals for this sector for the next several years.

V. CONCLUSION

The division will continue to plan and implement improvements to its monitoring and permitting programs in an effort to maximize efficiencies and focus on those areas where there is the greatest potential for substantive water quality improvement. The division will continue these efforts by evaluating work processes to make systems more efficient by reducing or eliminating redundancy or waste. This may be done with the involvement of stakeholders where appropriate.

Finally, the division will continue to respond to drinking water impacts posed by regulated and unregulated contaminants. The division is well-positioned to move forward with addressing ongoing challenges related to lead in drinking water and PFAS. The safe drinking water program will likely remain heavily dependent on federal funding for the foreseeable future.