

2017 WQF Retreat Rationales

Title_of_proposed_action	MS4 Issues Forum
Sponsor_entity	Colorado Stormwater Council
What_is_action_being_considered	The MS4 work group will continue to have collaborative discussions with WQCD on current issues; 1. Nutrients (regional approaches to MS4s and Agricultural compliance with Reg 85). 2. Compliance oversight and using compliance assistance to promote flexibility. 3. Green infrastructure 4. Policy vs Guidance vs Regulation 5. Watershed and Regional solutions 6. Changes to Reg 61
Why_is_action_considered_now	Continuation of the dialogue between the Division and MS4 permittees to streamline permit compliance provides ongoing taxpayer benefits and cost efficiency.
Interested_affected_entities	WQCD, MS4s, Special Districts, HBA, CCA and commercial entities engaged in construction and development. Support for the MS4 work group is indicated by these groups.
When_is_action_proposed_to_begin	August 2017
Estimate_meeting_number_and_frequency	Quarterly (4)
How_will_action_be_implemented	Meetings will facilitate candid discussions of permits and MS4 program goals and their implementation. Realistic expectations and policies should result from this ongoing working relationship between CDPHE/WQCD and the MS4 permit holders. Potential impacts to Reg 61, Reg 85, Reg 31 and Reg 38.
How_will_results_be_determined	Reestablishing a collaborative and cooperative approach to CWA compliance will result in consistent MS4 program development. White papers and Division guidance documents for MS4 program implementation and compliance are expected deliverables.

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Title_of_proposed_action	Water Quality Priorities Process – SWOT Analysis
Sponsor_entity	Water Quality Forum Steering Committee
What_is_action_being_considered	The proposed action is to complete a strengths, weaknesses, opportunities, and threats analysis of Colorado's current Water Quality Management Program. The objective is to identify the management activities to be evaluated, the strengths and weaknesses of the current process, and the opportunities and threats for setting or not setting priorities in the next 5-7 years in Colorado. This information will be used to support the protection and restoration of Colorado's waters to meet the Commission's goal of achieving standards and uses in all classified waters by 2050.
Why_is_action_considered_now	After significant discussion by the Forum membership and the Steering Committee, the Steering Committee supports moving forward with exploring a process to set priorities for Water Quality Management Activities. The Water Quality Control Division has recently identified the nutrients/ammonia/selenium 10-year road map as management priorities. This process will be consistent with this effort. In this time of limited resources, setting management priorities is important to focus activities on those of greatest interest and highest return. It will be critical to have a process in place to meet all classified uses of Colorado's waters by 2050 consistent with the Commission's goal.
Interested_affected_entities	All members of the Forum will be interested in this effort and affected by the outcome of this process. In addition, regulated point sources and unregulated non-point sources who are not active members of the Forum will be interested in this process. Ultimately, the citizens of and visitors to Colorado will be the beneficiaries of improved water quality. All parties should support the action.
When_is_action_proposed_to_begin	August or September of 2017. This will provide the maximum time for the Forum to evaluate and discuss the results of the SWOT at regular 2017/2018 meetings in preparation for further discussion and action at the 2018 Forum retreat. In addition to the Steering Committee, Forum members interested in working to develop the SWOT analysis and overseeing its completion should have the opportunity to sign up at the retreat.
Estimate_meeting_number_and_frequency	The group developing the SWOT should set its own schedule for meetings. The Forum should set aside a portion of the January 2018 Forum meeting for discussion of a draft SWOT analysis and an hour at the March 2018 meeting to finalize it and agree on next steps
How_will_action_be_implemented	Ultimately the Steering Committee plans for the SWOT analysis to inform development of a process for water quality management activity priority setting that would be discussed at the 2018 Forum retreat

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How_will_results_be_determined

For this phase, the result will be a completed SWOT analysis that has Forum participation and agreement on the next steps to be taken to develop priorities for water quality management activities in Colorado.

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Title_of_proposed_action

Regulation No. 82 Workgroup

Sponsor_entity

Water Quality Control Division

What_is_action_being_considered

Regulation No. 82, § 401 Certification Regulation will be scheduled for its triennial review in 2018 or 2019. The division will update the WQCC in August 2017 and propose a time to schedule a rulemaking hearing.

Why_is_action_considered_now

A few major events have recently shaped the § 401 Water Quality Certification program in Colorado. Conditional certifications were issued for a couple major water supply projects. Through these certifications, questions were raised regarding the assessment of impacts, the antidegradation review and the development of conditions. In 2015, the legislature approved amendments to the fee structure for permitting and certifications. The amendments authorize the division to create an application fee for issuing § 401 Water Quality Certifications. After the issuance of two large water supply § 401 certifications, the Colorado Department of Public Health and Environment participated in a LEAN process with various state and federal agencies to review the certification and permitting process. One outcome of that LEAN event was the determination that early involvement of all agencies could improve the efficiency of the certification and permitting process.

Interested_affected_entities

Most interested stakeholders would support this effort. Interested entities may include communities and agencies working on large water supply projects including but not limited to Northern Water Conservancy District, Denver Water, Ft. Collins, and Greeley. Urban Drainage has historically been interested in Regulation No. 82. State and federal agencies that may be interested include: Colorado Parks and Wildlife, Colorado Department of Transportation, Environmental Protection Agency, Army Corps of Engineers, and Bureau of Reclamation.

When_is_action_proposed_to_begin

Fall 2017

Estimate_meeting_number_and_frequency

Propose two meetings: Fall 2017 and spring 2018.

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How_will_action_be_implemented

The results of this effort will help inform any proposed changes for the Regulation No. 82 RMH process.

How_will_results_be_determined

The results of this effort will help inform any proposed changes for the Regulation No. 82 RMH process.

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Title_of_proposed_action	Temperature Technical Advisory Committee (TAC)
Sponsor_entity	Water Quality Control Division (but also representing the interest of the current Temperature TAC consisting of multiple agencies and stakeholders.)
What_is_action_being_considered	<p>Continue discussions including but not limited to: Thermal Niche Studies and how they can be used in standards development. Data collection and studies to inform warm water species thermal tolerance and critical life stage. Protective of sensitive life stages and winter temperatures as it relates to the shoulder seasons and the top hat approach currently used in standards setting.</p> <p>In addition at the close of the June 2017 rulemaking (RMH) for Regulation Nos. 34 and 35, the WQCC directed the division and the TAC to continue to work on the information needed to develop temperature use attainability analyses (UAAs) and ambient based temperature standards.</p>
Why_is_action_considered_now	The TAC is recommended at this time to continue working on some of the studies and recommendation documents not yet completed. In addition, the WQCC has directed the division and the TAC to continue to address issue related to temperature standards. This information will be used in the basin RMHs as the division develops standards proposals for temperature.
Interested_affected_entities	Most stakeholders in the state would support this effort. The only opposition would come from concerns of getting a balanced representation on the TAC as funding may be tight for some organizations.
When_is_action_proposed_to_begin	Summer 2017
Estimate_meeting_number_and_frequency	Three main meetings: July/August 2017, November/December 2017, March/April 2018. It is anticipated that additional smaller group meetings may be needed to work on specific topics as they arise.
How_will_action_be_implemented	The results and recommendations of the Temperature TAC may be used in basin rulemaking hearings. Recommendations may also offer proposed changes to

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Regulation No. 31 and/or Policy 06-1.

How_will_results_be_determined

White papers at the end of the process that address conclusions and recommendations. Policy decisions may be captured in the Temperature Implementation Policy, Policy 06-1. Results and recommended approaches may also be captured in temperature UAAs in the basin rulemaking hearings, specifically the June 2018 rulemaking hearing for the Arkansas and Rio Grande basins (Regs. 32 and 36).

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Title_of_proposed_action

Colorado 2027 Water Quality Roadmap Workgroup

Sponsor_entity

Water Quality Control Division

What_is_action_being_considered

The proposed workgroup would meet quarterly starting in the spring 2018 and continue on through 2027. The vision for this long-term workgroup would be to provide a communication and working mechanism for multiple criteria development, feasibility and implementation related topics over the next 10 years. The intent would be to revisit this rationale every year at the annual Water Quality Forum Retreat. Annual updates will be provided to the WQCC as well as the WQ Forum community at their regular membership meetings. It is anticipated that smaller technical or policy related groups will form to address specific criteria development discussions or policy documents.

Why_is_action_considered_now

Colorado is working on the development of new or revised criteria for cadmium, ammonia, selenium, temperature, total phosphorus and total nitrogen for the protection of aquatic life (environmental) and recreation (public health). As part of this long-term planning effort, the feasibility of treatment has been included as an integral part of future standards implementation.

Interested_affected_entities

Many entities across the state would support this effort as they will be affected by the newly proposed standards in the future. A robust outreach plan is being developed to reach all interested entities.

When_is_action_proposed_to_begin

Spring 2018

Estimate_meeting_number_and_frequency

This spring meeting will be the first of approximately 40 quarterly meetings through 2027. While it is anticipated that smaller groups will form to address specific issues, the smaller technical groups will not be planned until after this initial kickoff meeting.

How_will_action_be_implemented

The results of this effort will help inform criteria development and implementation strategies leading up to standards rulemaking in 2027. This group will provide a consistent forum to support and communicate work being conducted in smaller technical or policy groups. The smaller technical and policy groups will be determined by

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this larger group and will be expected to produce white papers, draft criteria and recommendations to be used in the rulemaking hearing processes.

How_will_results_be_determined

The results of this effort will help inform criteria development and implementation strategies leading up to standards Regulation No. 31 rulemaking in 2027.

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Title_of_proposed_action	Permit Issues Forum
Sponsor_entity	Permit Issues Forum
What_is_action_being_considered	Various actions concerning implementation of standards, policies, regulations in permits (Permit Issues Forum). The draft workplan for this year includes revisions to WQP-23 (Procedures for Conducting Assessments for Implementation of Temperature Standards), modify or replace Section 31.8(2)(b)(i)(c) regarding antidegradation for effluent dependent/dominant streams, and changes to Regulation No. 61. The finalization of the work plan will be based on discussion at the WQF retreat and further discussion by the Permit Issues Forum at its August/September meeting.
Why_is_action_considered_now	Revisions to WQP-23 – the policy requires updating following the recent rulemaking hearings concerning temperature; Antidegradation for effluent/dependent streams - Section 31.8(2)(b)(i)(c) is scheduled to be repealed on December 31, 2019; Regulation No. 61 – a rulemaking hearing is scheduled for July 2018.
Interested_affected_entities	Permittees, WQCD, and other stakeholders that are interested in permits
When_is_action_proposed_to_begin	The Permits Issues Forum is a currently existing workgroup.
Estimate_meeting_number_and_frequency	The maximum number of meetings would be 10 (meetings once/month August 2017 through May 2018)
How_will_action_be_implemented	Updates on the group's progress will be presented at the Water Quality Forum meetings. Revisions to WQP-23 would be published in the Division's monthly bulletin for public review. Changes to Regulation 31 and Regulation 61 would occur during a rulemaking hearing process.
How_will_results_be_determined	General agreement on the revisions to WQP-23; rulemaking hearings for Regulation No. 31 and 61.

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Title_of_proposed_action

Regulation 84 Expansion of Uses

Sponsor_entity

Denver Water, WRCO

What_is_action_being_considered

The action being considered is a proposed workgroup to study the expansion of new uses under Regulation 84. The workgroup will specifically focus on how to add new uses to Regulation 84 in a manner that encourages the expansion of the utilization of reclaimed water, is cost effective for regulators and the regulated community and protective of public health and the environment.

Why_is_action_considered_now

The State Water Plan has identified a significant water supply gap in the future. The use of reclaimed water is one means by which the State and water utilities may close this gap. However, in order to use recycled water to close this gap, Regulation 84 must be modified to incorporate new types of uses, including indoor toilet flushing, use of reclaimed water for community gardens, edible crops, and livestock wash down facilities and impoundment storage. Without these modifications to Regulation 84, water users are unable to plan for and take advantage of these new types of uses. This will result in missed opportunities as new developments and agricultural operations go forward that would have otherwise taken advantage of some of these new uses.

Interested_affected_entities

Denver Water, WRCO, Water Quality Control Division, Colorado Water Conservation Board, City and County Building Departments, Green Building Industry, National Western Complex, Denver Urban Gardens, Marijuana Industry

When_is_action_proposed_to_begin

This action is currently underway in the form of a Regulation 84 Stakeholder Group. The Water Quality Control Commission plans to revisit whether to set a rule making hearing to modify Regulation 84 later this year.

Estimate_meeting_number_and_frequency At least one per month.

How_will_action_be_implemented

This action will be implemented through modifications to Regulation 84. The Water Quality Control Division will need to be involved in the stakeholder process and will need to assume some oversight role with regard to the new uses adopted under Regulation 84. In addition, depending on the modifications made to Regulation 84, local cities and counties may need to assume some responsibility and take some form of action to assist with

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oversight of new uses (e.g. indoor toilet flushing using Reg 84 water). The Water Quality Control Commission will need to hold a rulemaking hearing.

How_will_results_be_determined

Results will be determined by number of stakeholder meetings held, and whether Regulation 84 is modified.
