

NWCCOG Regional Water Quality Management Plan ("208 Plan")

Policies and Implementation Actions

DRAFT for NWCCOG Council Review, 10/14/2022

Short Background to Aid in Review (this will not be included in 208 Plan)

In 1972, the United States Congress enacted provided a national strategy for cleaning up the nation's waters: the Clean Water Act or "the Act." Section 208 of the Act provides for the creation of regional water quality management plans for coordinated regional approaches to water quality management. Hence, a regional water quality management plan is also referred to as a "208 Plan." The Northwest Colorado Council of Governments ("NWCCOG") 208 plan region consists of the area within Eagle, Grand, Jackson, Pitkin, and Summit Counties. NWCCOG is the designated regional water quality management agency responsible for water quality planning within this region.

The primary goal of the 208 plan is the protection and enhancement of the existing water quality and designated uses of waters in the region.

This section of the 208 Plan contains both policies and implementation strategies, which will be integrated into the full Update in 2023. These policies become regulatory requirements when local governments in the region include 208 Plan compliance in their municipal or county codes.

- **Policies** guide regional water quality planning, implementation of this 208 Plan, and overall water quality protection in the NWCCOG Region.
- **Implementation Strategies** are strategies to meet the policy objectives of the 208 Plan for maintaining and improving water quality in the region. Strategies will apply to local governments and those who discharge into waters in the NWCCOG region.

Policies

- **Water Quality Protection and Mitigation.** Land use and water development shall not significantly¹ degrade the health of the affected watershed(s) and no development should be approved unless impacts to the health of the affected watershed(s) are mitigated.
- **Transmountain Diversions.** No transmountain diversions of water from the region shall be conducted without approval from the impacted local governments, conservancy districts, and the Colorado River Water Conservation District.
- **Water Efficient Land Use and Development.** Land use and development shall be planned, designed, and conducted to further water conservation and efficiency.
- **Nonproliferation of Wastewater Treatment Facilities.** Prior to siting new facilities, existing wastewater treatment facilities should be expanded or consolidated instead of developing new facilities unless not legally or technically feasible.
- **Private Wastewater Operation Discouraged.** The ownership and management of wastewater treatment facilities by homeowner associations or private wastewater operators should not be allowed unless there is no other option.
- **Onsite Wastewater Treatment Systems (OWTS).** OWTS should not be allowed unless connecting to an existing wastewater treatment facility is not feasible.
- **Climate Change.** The assessment of impacts to water quality of land use and water development shall take into consideration climate change predictions.
- **Chemical Management.** The uses of pesticides, fertilizers, algacides, and other hazardous substances; and road maintenance, including deicing and sanding, shall not degrade water quality or the health of the watershed.

Implementation Strategies

- **State and Federal Water Quality Protection.** During Water Quality Control Commission proceedings and federal rulemakings, NWCCOG and/or individual members will advocate for the protection of existing uses, water quality standards that are fully protective of existing water quality, antidegradation provisions that take into account impacts to the region associated with the operation of projects, and the designation of high-quality waters when relevant parameters for such designation are satisfied.
- **Instream and Environmental Flows.** NWCCOG and/or members will support efforts to preserve stream flows by requesting that the Colorado Water Conservation Board establish or increase instream flows in the region. Support local or regional efforts to use existing water rights

¹ Significantly means "in a significant manner," where significant means "of a level deserving to be considered, important, notable, and not trifling."

for environmental flows through leasing or acquisition. Advocate for legislation that makes it less onerous to apply water to instream purposes.

- **Land Use Controls to Protect Water Quality.** Municipalities and counties will adopt, strengthen, and enforce land use regulations designed to address water quality impacts of land use and development, including adoption and implementation of the [NWCCOG Model Water Quality Protection Standards](#) and the [Water Savings Guidance and Model Standards for the Colorado Headwaters](#).
 - Adopt watershed protection regulations to protect the area located upstream of drinking water intake point(s) for municipal water supply pursuant to C.R.S. § 31-15-7070(1)(b), commonly referred to as watershed protection regulations.
 - Require compliance with this 208 Plan when issuing permits for water and/or land development projects.
 - Adopt provisions in land use codes that require climate change to be taken into consideration when assessing impacts of development.
- **Water Quality Protection Tools.** Protect streams, floodplains, wetlands, riparian areas, and shorelines through conservation easements, land exchanges, transfer of development rights, setbacks, or similar resource protection techniques.
- **1041 Regulations.** Adopt, strengthen, enforce, and protect statutory authority for the designation and regulation of areas and activities of state interest under “1041 regulations.” Ensure that such regulations apply to state projects and on federal lands.
- **Water Efficiency.** Require new development to emphasize the most efficient use of water, including recycling and reuse methods, landscaping requirements, water metering and budgeting, and other water conservation best practices. Incorporate recommendations from NWCCOG’s [Water Savings Resource Guide and Model Code Provisions for the Colorado Headwaters](#).
- **Monitoring, Assessment, and Planning.** Conduct and/or provide technical support for state, watershed, and local water quality monitoring, assessment, and planning efforts.
- **Federal Permitting.** NWCCOG will review and comment on proposed federal permits to ensure that water quality mitigation is required.
- **Voluntary Improvement Projects.** Support and facilitate voluntary water quality improvement and stream restoration projects within the NWCCOG Region. Efforts should focus on regional water quality priorities, as explained further in [Volume 2 \(Regional Water Quality Assessment Summary\)](#). Examples include projects to address nonpoint source pollutants from urban or urbanizing areas, acid rock drainage, hydrologic modifications from water projects, and roadways and impervious areas.
 - Chapter **XXX** in each of the watershed plans identifies watershed-specific projects that NWCCOG supports.

Commented [TJ1]: Confirm language later

Commented [TJ2]: Update later

- **Stream Management Plans.** NWCCOG will provide technical assistance to municipalities and counties engaged in preparation and implementation of stream management plans that identify existing conditions and need for restoration of streams and watersheds.
- **Nonpoint Source Pollution.** Coordinate efforts to minimize nonpoint source pollution so that point source dischargers do not bear a disproportionate share of water quality protection costs. Encourage agricultural users to implement voluntary best management practices (BMPs) to minimize adverse impacts to water quality from these activities.
- **Onsite Wastewater Treatment Systems (OWTS).** Revise county OWTS regulations to protect water quality and consider requirements beyond those established in Regulation 43 (5 CCR 1002-43). Best practices include establishing minimum lot size for OWTS, limiting one OWTS per parcel, establishing certification requirements for OWTS installers and inspectors, and establishing OWTS inspection requirements upon pumping, transfer of title, or annually.
- **Hazardous Materials.** Encourage responsible management of hazardous household wastes (pharmaceuticals, oil, paint, acids, pesticides, etc.) through public education outreach and collection events or programs.

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