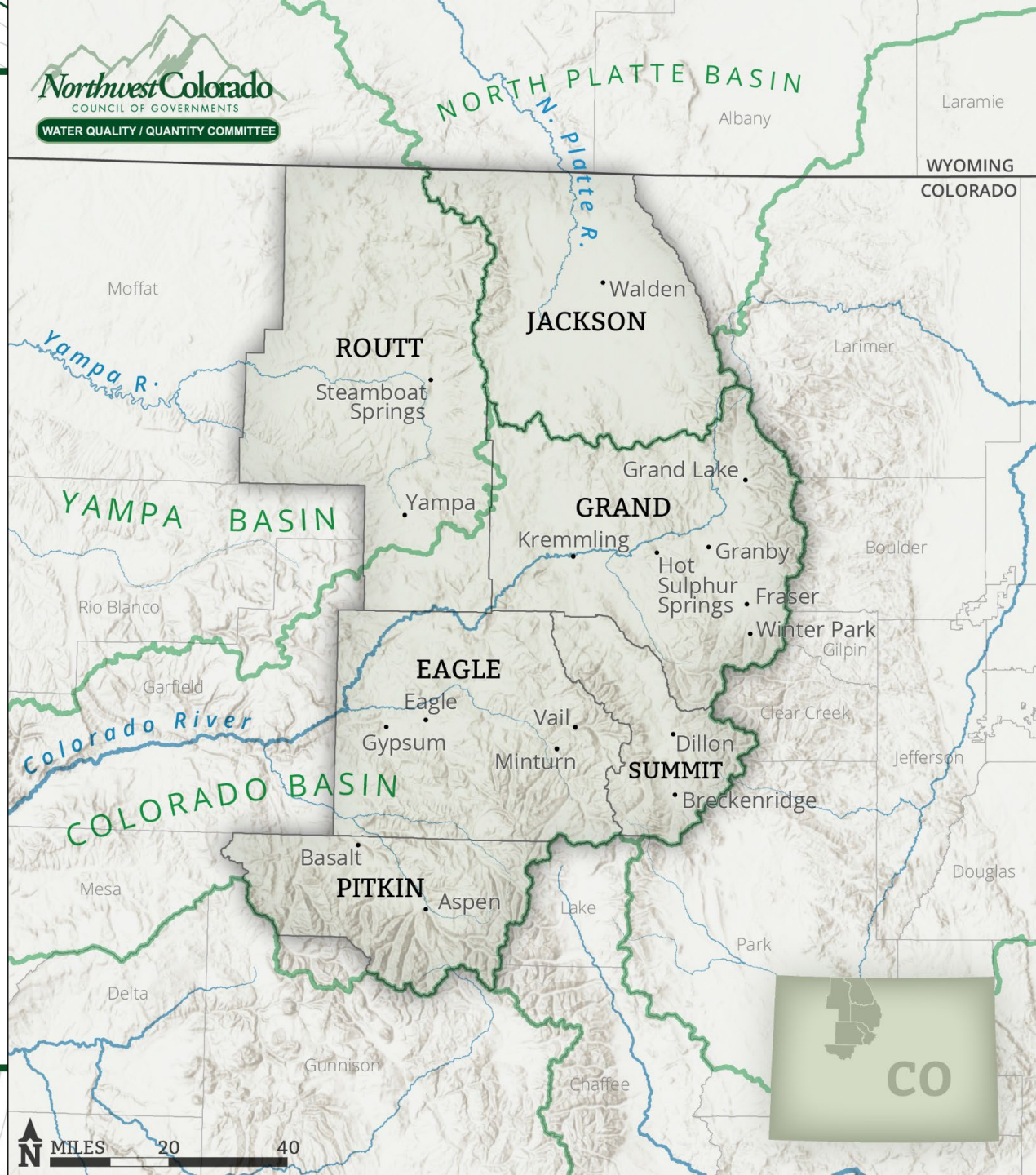
208 Planning in the NWCCOG Region

QQ Meeting
October 30, 2025



What is a 208 Plan?

- Addresses point and nonpoint source pollution
  - Point source: single concentrated source
  - Nonpoint source: diffuse area with many sources
- Regional approach to water quality planning and protection
- Must address 9 elements required by the CWA.

NWCCOG 208 Plan

- Chapter 1: Policies
- Chapter 2: Water Quality Regulation and Management
- Chapter 3: Key Water Quality Issues
- Chapter 4: Surface Water and Groundwater Regulations
- Chapter 5: Point Sources
- Chapter 6: Nonpoint Sources

Chapter 1: Policies

Adopted by QQ in November 2024, Adopted by NWCCOG in January 2025. Policies as key words. Complete policies here.

Policy 1: Requires water quality protection and mitigation for development

Policy 2: No TMDs without prior approval

Policy 3: Local Government Land Use Regulations require consistency with 208 Plan

Policy 4: Water Smart Land Use and Development

Policy 5: Nonproliferation of WWTF

Policy 6: Private Wastewater Operation not allowed unless no other practicable alternative.

Policy 7: No new OWTS unless connecting to or developing a consolidated system is not technically or legally practicable.

Policy 8: Climate change must be considered in land use and water development permits.

Policy 9: Chemical management.

Chapter 2: Water Quality Regulation and Management

- Chapter 2 explains how 208 planning is conducted in Colorado and the NWCCOG Region
- **Local governments have many authorities to regulate nonpoint source pollution.**
- 208 planning agencies involved in point source permitting; permits issued by state.
- Identifies management agencies and operating agencies that implement the 208 Plan.

Chapter 3: Key Water Quality Issues in NWCCOG Region

This chapter describes the unique characteristics of our Region.

These characteristics inform the plan and effective implementation will mitigate these issues.

- Climate change
  - Changing snowpack accumulation and runoff
  - Hotter summer and fall
  - Increased water use by both native and non-native landscapes
- Transmountain diversions
- Recreation and tourism-based economy
- Population growth and increased development
- Increased water demand
  - In-basin demand
  - Out-of-basin demand
  - Recreational and environmental flows

Chapter 4: Surface Water and Groundwater Regulations in the Region

Chapter 4 where the law and science are applied to NWCCOG Region.

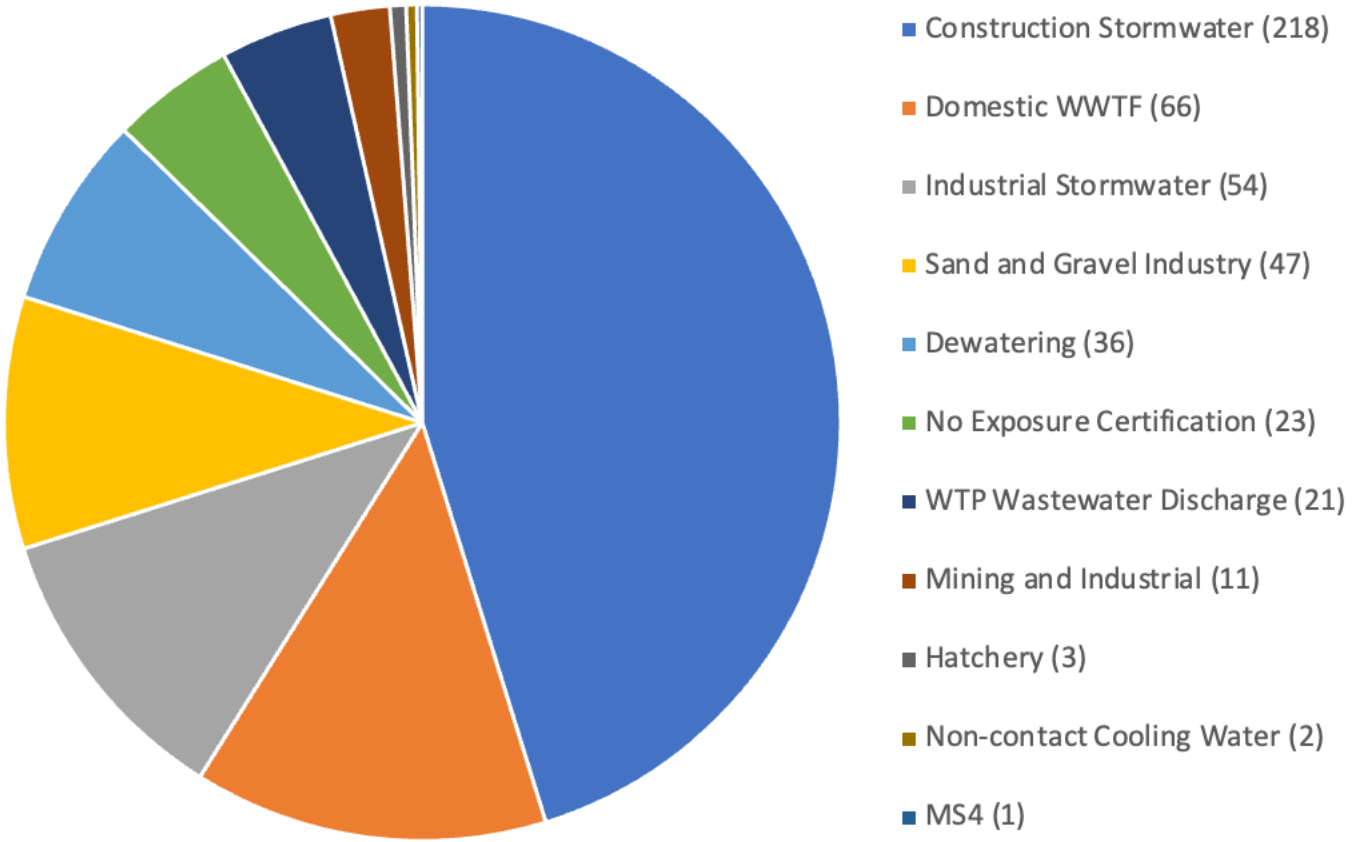
Plan emphasizes surface water regulations. Why?

- Surface water used more frequently than groundwater for all user types.
- Most point sources in the Region discharge to surface water
- Alluvial aquifers are most common type of groundwater use. Often has hydrologic connection to adjacent surface water.

- DRMS regulates groundwater at industrial mine sites

Chapter 5: Point Sources

As of February 2025, just under 500 discharge permits in the Region.



5 most common permit types:

- 218 construction stormwater permits (45 percent)
- 66 domestic WWTF permits (14 percent)
- 54 industrial stormwater permits (11 percent)
- 47 sand and gravel facilities (10 percent)
- 36 dewatering permits (7 percent)

Chapter 5: Point Sources Continued

208 Plan focuses on domestic wastewater treatment facilities

66 Domestic WWTFs in the NWCCOG Region

- Range in size from very small facilities (< 0.01 MGD) to large (5.0 MGD)
- **Receiving waters** that WWTFs discharge to:
  - 21 attain all applicable uses and water quality standards
  - 10 are listed as potentially impaired (monitoring and evaluation list)
  - **35 are listed as impaired for one or more water quality standards**

Understanding the underlying cause of impairment needed to protect water quality, and in some instances identify necessary upgrades to WWTF consistent with EPA requirements for 208 Plans.

Chapter 5: Point Sources Continued

Priority pollutant: Arsenic

- **Arsenic: 37 facilities (56 percent)**
  - Arsenic standard used to protect human-health and water supply use.
    - Standard expected to be revised in 2029, approximately
  - Arsenic often originates from local geology
  - Domestic WWTF not designed to remove arsenic
  - Subject to a statewide temporary modification
  - Permit renewals will include terms and conditions to identify arsenic sources

Chapter 5: Point Sources Continued

Priority pollutant: Temperature

- **Temperature: 17 facilities (26 percent)**
  - Unique conditions across the region contribute to temperature issues
    - Snow-melt driven hydrology
    - Large elevation gradients
    - Biological transitions- very cold water transitions to cold water fisheries (Cold Class I to Cold Class II)
    - Transmountain and in-basin diversions alter water temperature regimes
  - **NWCCOG and several members are exploring options to revise water quality standards implementation practices while protecting water quality and aquatic life.**

Chapter 5: Point Sources Continued

Permit Status in the NWCCOG Region

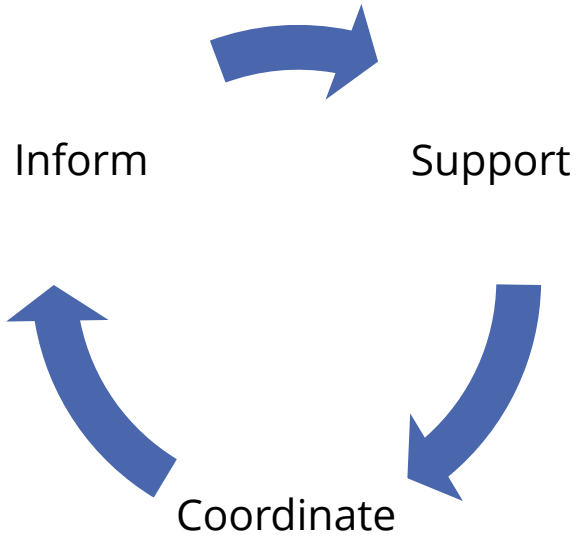
- The Division has a large permitting backlog across the state and the NWCCOG Region.
- Approximately, 80 percent of domestic WWTFs have administratively continued permits
  - Prevents implementation of new water quality standards in permits
  - Limits technical and financial planning for WWTF upgrades
- Reducing the backlog is necessary for WWTFs to protect public health and the environment

Chapter 6: Nonpoint Sources of Pollution

Nonpoint source pollution is widespread, with multiple causes. Multiple organizations address nonpoint source pollution

NWCCOG

- **Regional scale planning**
- Implements the Clean Water Act through the 208 Plan
- Compliance with 208 Plan **incorporated as a standard** in local government regulations
- Close coordination with local governments- especially developing regulations to protect water quality and quantity



Watershed Groups, Local Organizations

- **Local scale planning**
- Excellent stakeholder engagement- particularly with the public.
- May be identified as a **referral agency** in local government regulations- comments considered but no clear requirements.

Chapter 6: Nonpoint Sources

Most Common Water Quality Impairments in the NWCCOG Region:

- **Arsenic:** typically driven by local geology, accelerated by land-disturbing activities that cause soil and sediment erosion.
- **Manganese:** typically driven by local geology, accelerated by land-disturbing activities that cause soil and sediment erosion.
- **Temperature:** temperature standards protect aquatic life. Cause(s) of impairment is site-specific and influenced by many factors, including
  - Climate change
  - Segment length and elevation gradients
  - Transmountain and in-basin diversions

NWCCOG 208 Plan: Next Steps

- **Member comment period December 1 to December 20**

- NWCCOG Hearing spring 2026
  - Includes public comment opportunity
- WQCC Hearing late 2026 (approximately)
  - Includes public comment opportunity

QUESTIONS? DISCUSSION?

Placeholder… Other slides below.

§ 208 of the Clean Water Act

- **PURPOSE of § 208** is to encourage and facilitate "the development and implementation of areawide waste treatment management plans" or 208 Plans. 33 U.S.C. § 1288(a).

- Once a plan is developed:
  - No construction grants for publicly owned treatment works shall be made unless such works conform to the 208 Plan. 33 U.S.C. § 1288(c).
  - No 402 permit shall be issued for any point source which is in conflict with a 208 Plan. 33 U.S.C. § 1288(d).

EPA Regulations, 9 Elements of § 208 Plan 40 CFR § 130.6(c).

1. **TMDLs**

   Total **M**aximum **D**aily **L**oad**. "**Identification of both point and nonpoint sources of pollutants, pollutant reduction targets, and load reductions necessary to reduce the source(s) of the pollutant."

2. **Effluent Limitations**

3. **Municipal & Industrial Waste Treatment**

4. **Nonpoint Source Management & Control**

   Plan should "set forth procedures and methods *(including land use requirements)* to control to the extent feasible such sources.

5. **Management Agencies**

6. **Implementation Measures**

   "Including financing, the time needed to carry out the plan, and the economic, social and environmental impact of carrying out the plan."

7. **Dredge & Fill Program**

8. **Basin Plan** (largely outdated)

9. **Groundwater**

208 in the Colorado Water Quality Control Act (CWQCA)

- Implements CWA in CO, so similarly requires consistency with 208 Plan to issue grant $ or issue 402 Permits- in Colorado, Colorado Discharge Permit System (“CDPS”) permits. C.R.S. § 25-8-503(2).

- Along with 208 Plan, the CWQCA also requires the Division to consider “long-range comprehensive plan for the area as it affects water quality” before approving of the site location and the design for new or enlarged domestic wastewater treatment works. C.R.S. § 25-8-702(2)(a).

208 in Water Quality Control Commission (WQCC) Regulations

WQCD must consider consistency with 208 Plan for:

1. Colorado Discharge Permit System ("CDPS") permits (under 402 of CWA).
C.R.S. § 25-8-503(2); 5 C.C.R. 1002-61.8(1)(c).

2. As part of antidegradation review for facility/ utility plans, site location applications, and 401 certifications. 5 C.C.R. 1002-21.16(B)

> Division should give "substantial weight to any applicability determinations by local governments or land use planning authorities." 5 C.C.R. 1002-31.8(3)(d)

3. Site location & Design Reviews
   - site location decisions (Reg 22)
   - WWTP applications
   - Increase or decrease design capacity
   - Interceptor sewer sites
   - Lift stations

4. Grantmaking to publicly owned treatment works

Local Implementation of 208 Planning

Local regulations address variety of water quality impacts such as:

- Runoff from urban development (construction and site planning)
- Runoff from roadways
- Out of basin flow reductions (transmountain diversions)
- In basin flow reductions

Local regulations include, for example:

- 1041
- Watershed Protection
- Overlay Districts
- Impervious Surface Limits
- Waterbody Buffers/ Setback
- Zoning/ Subdivision (siting + standards)

See also the NWCCOG Model Water Quality Protection Standards.

Local Implementation of 208 Planning, *continued*

Recommendation: Include consistency with the 208 Plan in development review.

County 1041 Regulations are best examples.

Pitkin County 1041 standard for approval requires that "the Project is consistent with relevant provisions of applicable land use and water quality plans."

Pitkin County 1041 Application must include "description of provisions of the applicable regional water quality management plan that applies to the Project and assessment of whether the Project would comply with those provisions."

§ 208 of the Clean Water Act, *continued*

- CWA directs state governors to identify:
  - 1) Regional planning areas "which as a result of urban-industrial concentrations or other factors, have substantial water quality problems," and 33 U.S.C. § 1288(a)(1)
  - 2) Agencies capable of development § 208 Plans for such areas.
    - NWCCOG is the 208 Agencies for Planning Region 12.
    - There are 4 other active "designated planning agencies:"
      - North Front Range Water Quality Planning Association (Weld and Larimer Counties), the Pikes Peak Area Council of Governments (El Paso, Park, and Teller Counties), and the Pueblo Area Council of Governments (within Pueblo County).