Water Quality Control Commission

TEMPORARY MODIFICATIONS TO WATER QUALITY STANDARDS

Issue Summary

March 15, 2006

One of the most important roles of the Water Quality Control Commission is to determine the level of protection that should be afforded the water quality of Colorado's water resources. The Commission does this by adopting "use classifications" and accompanying narrative and numerical "water quality standards". The use classifications protect current and potential future beneficial uses of Colorado's waters. The use classifications typically adopted include recreation, aquatic life, water supply and agriculture. Use classifications are adopted for individual stream segments, lakes and reservoirs throughout the state.

To protect a water body's classified uses, the Commission adopts both narrative and numerical water quality standards. Narrative standards are general statements of the water quality goals for state waters, such as a statement that waters are to be "free from pollutants that are toxic to humans, animals, plants or aquatic life." Numerical standards set the maximum acceptable concentrations (typically in micrograms per liter or parts per billion) of specific pollutants in streams, lakes and reservoirs. Numerical standards are also adopted to apply to state ground waters.

Some numerical standards are adopted to apply to all waters statewide. These include standards for organic chemicals, such as pesticides and solvents, as well as radionuclides. Many numerical standards, however, are adopted for individual water segments, to account for differences in site-specific uses and natural water quality. Because of the refinements possible with this site-specific approach, Colorado's water quality standards system is one of the most refined and well-developed in the country.

For some streams where the current water quality does not meet the desired level of protection, the Commission adopts "temporary modifications" of water quality standards. The temporary modifications recognize the current elevated levels of some pollutants, while retaining the goal of improving water quality. In some cases, temporary modifications are adopted because it is recognized that it will take time to implement measures to achieve the desired improved water quality. In other instances, temporary modifications may be adopted because there is uncertainty regarding the appropriate underlying water quality standard. EPA has approved Colorado's use of temporary modifications as preferable to the alternative of permanently downgrading the standards for streams with elevated levels of pollutants.

As the result of a June 2005 rulemaking hearing, the Commission has modified its regulatory provisions regarding temporary modifications, to strengthen the use of this tool to achieve long-term water quality improvement. The Commission has revised the provisions regarding the duration of temporary modifications, to further clarify its intent that the appropriate long-term water quality standards be attained as soon as possible. The Commission also revised the provisions regarding the implementation of temporary modifications in discharge permits, to further assure that timely progress is made toward resolving any uncertainty regarding appropriate underlying standards, and toward attaining those standards once the appropriate long-term level of protection has been determined. To further assure the appropriate use of temporary modifications, the Commission also revised its regulations to provide for an annual rulemaking hearing to review temporary modifications that are due to expire within the next two years. This procedural change should provide increased scrutiny of temporary modifications.

Finally, the Commission notes that in appropriate instances temporary modifications will continue to be an important tool to help mitigate the economic burden of compliance with new, more restrictive water quality standards, as discussed further in the accompanying Ammonia Standards Issue Summary.