**Clear Creek/Standley Lake Watershed Agreement**

A comparison of the 1993 and proposed Agreement

How did we get here?

In 1988, the Water Quality Control Commission began consideration of nutrient standards for Standley Lake (SL) when the Cities of Westminster and Thornton proposed numeric standards. The Commission did not adopt standards and asked the stakeholders to work together to gather data upon which to base permanent water quality (WQ) standards to protect Standley Lake.

In 1993, 23 parties1 signed an Agreement to address certain water quality issues and concerns within the Clear Creek (CC) Basin that had the potential to impact water quality in Standley Lake. A narrative standard was adopted for Standley Lake to be implemented on a voluntary basis using best management practices (BMPs) and wastewater treatment facility controls. Signatories implemented a cooperative water quality monitoring program.

Sixteen years later, in 2009, the Standley Lake Cities (SLC) petitioned for and were granted a chlorophyll *a* standard for Standley Lake. UCCWA supported the SLC’s proposal. Chlorophyll *a* was selected as a scientifically accepted surrogate for nutrients that has implications for disinfection byproduct formation, and is a taste and odor concern. The standard was set at current conditions based on 14 years of water quality data.

Desiring to reflect changes to water quality standards adopted in 2009 and renew the commitment to work together for Clear Creek and Standley Lake health, representatives of the SLC and the UCCWA began meeting in 2010 to revise the 1993 Agreement. The proposed Agreement will update and replace the 1993 Agreement. A guidance document was developed in conjunction with the proposed Agreement. The guidance includes examples of the types of projects and policies supportive of the intent of the Agreement.

Table 1. Comparison of 1993 Agreement and proposed Agreement

|  |  |  |
| --- | --- | --- |
| Attribute | 1993 Agreement | Proposed Agreement |
| Commitments & Goals |  |  |
| WQ Standards | Meet narrative standard on SL | Meet chlorophyll *a* and narrative standard in SL |
| Not addressed | Before standards are exceeded, work with parties to evaluate possible sources |
| If progress is not made in reducing nutrient loading to SL, the following options may be considered: (a) discharger effluent numeric nutrient standards, (b) additional BMPs in SL, and (c) adoption of a Control Regulation for SL | Incorporates flexible adaptive management options and an iterative process to address water quality issues |
| Monitoring | Establish CC and SL WQ monitoring program | Continue WQ monitoring program |
| Best Management Practices | Implement voluntary BMPs in SL and Upper Basin | Continue voluntary BMP program(s) |
| Water  Protection | Not addressed | Work to maintain WQ in CC and SL to protect these resources for water supply, aquatic life, and recreational uses |
| Stakeholder Cooperation | Not addressed | Cooperate and communicate plans & activities regarding (a) WQ monitoring, (b) WQ policy, planning, and management, (c) BMPs, (d) funding WQ and watershed health related actions |
| Agreement |  |  |
| Renewal date | None | Yes – every 20 yrs unless terminated sooner |
| Review date | None | Yes – every 5 yrs at a minimum |
| Guidance |  |  |
| Review date | None | Yes - every 5 yrs at a minimum |

1. *Cities of*: Arvada, Golden, Westminster, Thornton, Northglenn, Idaho Springs, Blackhawk, Central *Towns of:* Empire, Georgetown, Silver Plume *Counties of:* Jefferson, Clear Creek, Gilpin *Ditch Companies:* Farmers’ Highline Canal and Reservoir, Farmers Reservoir and Irrigation *Private Companies/Districts/Other:* Jefferson Center Metropolitan District, Black Hawk/Central City Sanitation District, Central City Sanitation District, Alice/St. Mary’s Metropolitan District, Clear Creek Skiing Corporation, Henderson Mine, Upper Clear Creek Basin Association

Why adopt the proposed Agreement?

The content of the 1993 Agreement is largely no longer relevant, nor is it reflective of the cooperative spirit that currently exists between the SLC and the upper basin entities, a spirit that is beneficial for advancing complex watershed management activities(?). The water quality regulatory world looks very different in 2015 than in 1993. Since 2012, nutrients are regulated by the Colorado Water Quality Regulations 85 and 31. By 2022, most streams and reservoirs/lakes in the state of Colorado will have nutrient standards for both phosphorus and nitrogen. Regardless of whether an Agreement exists or not, nutrients will have to be addressed within the watershed.

There are non-regulatory advantages to adopting the proposed Agreement as well. The punitive approach, prevalent in the 1993 Agreement, is replaced with adaptive management. This management style engages stakeholders to maximize water quality results through an iterative process while maintaining flexibility to respond to changing conditions. The proposed Agreement establishes review and renewal timelines that are missing in the 1993 Agreement. Setting firm review timelines helps to ensure that the Agreement and guidance document remain relevant and promote stakeholder involvement in a collaborative process.

Table 2. Comparison of watershed management options - 1993 Agreement and proposed Agreement

|  |  |  |
| --- | --- | --- |
| Attribute | 1993 Agreement | Proposed Agreement |
| Monitoring | Required | Required |
| Reporting to WQCC | Required | Required |
| Resources Protected | Water Supply in Standley Lake | Water Supply in Standley Lake and Clear Creek, Recreation, Aquatic Life |
| Flexibility |  |  |
|  | Not addressed | Support development of and promote use of creative and flexible tools aimed at minimizing water quality degradation and/or improving water quality and watershed health |
| Stakeholder Process |  |  |
|  | Review and renewal timelines not set | Review and renewal timelines set for both Agreement and guidance |
| Proactive/Relevance |  |  |
|  | Most of the activities outlined have been completed: BMP Manual written, costs and effects of nutrient removal evaluated, developed SL Management Plan. Additional actions have been taken on a voluntary basis. | Parties to evaluate possible nutrient sources and alternative control options when annual chl-a average approaches standard. Parties shall notify each other, consult, and have an opportunity to cooperate on any water quality concern before any party approaches the WQCC. |
| WQ Policy, Planning & Management | Not addressed | Reference and support:   * SWPP or similar plan implemented by local or regional governmental agencies * Wildfire Plans * SWEEP and SCAP plans |
|  |  | Consider and support creative and flexible ways to address water quality, watershed health, and wastewater operations in the watershed such as nutrient trading, WWTP optimization, and pilot projects |
| General Provisions |  |  |
| Fiscal Provisions | Subject to annual appropriation, not a multiple year direct or indirect obligation | Same as 1993 Agreement |
|  | Definition of support not provided. Support of monitoring program is called out. | Definition of support: (1) monetary contributions and/or in-kind services, (2) cooperate to seek funding sources, (3) provide statements of support |
| Withdrawal | Should the WQCC fail to approve and adopt the substance of the proposed alternative  described in paragraphs 1.a. and 1.b., the agreement-shall automatically terminate and the parties shall be released from all other obligations and rights hereunder. | 90 days written notice |