

Bear Creek Watershed Association

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BCWA Policy 18 Illegal Material Dumping and Disposal as a Pollutant in Bear Creek Watershed



Statement of Basis and Purpose

The Bear Creek Watershed Association (Association) is established in the Bear Creek Watershed State Control Regulation (Regulation #74, 5 CCR 1002-74) (Control Regulation). The Colorado Water Quality Control Commission recognizes the Association as a designated Water Quality Management Agency under provisions of the Federal Clean Water Act and the Statewide Water Quality Management Plan. The Association under the control regulation is responsible for identifying nonpoint source pollutants.

The Association has an obligation to report pollution incidents to appropriate or responsible parties, following up on pollution incidents that directly or indirectly affect adopted stream standards or classifications, and recommend appropriate strategies to help mitigate these pollutants that can be incorporated in the Association Watershed Plan or reported to the Colorado Water Quality Control Commission as required under the control regulation.

Electronic Wastes

Beginning July 1, 2013, Colorado Senate Bill 12-133 bans landfill disposal of certain electronic wastes from households. It became a violation of the solid waste regulations for residents of Colorado to dispose of electronic waste in their trash. Colorado hazardous waste regulations for industry, businesses, and government agencies prohibit dispose of any electronic waste that exhibits one or more characteristics of hazardous waste in municipal solid waste landfills. These types of materials need to be properly recycled. The Association membership has noted an increase in the illegal dumping of electronic wastes, which have the potential to degrade water and environmental quality. The Association identifies pollutants of concern (*BCWA Fact Sheet 22 Pollutants of Concern Watershed*) and tracks pollutant listed in the Colorado 303(d) list (*BCWA Fact Sheet 21 Pollutants of Concern 303d*; and *BCWA Fact Sheet 54 2015 303(d) List*).

Material Dumping and Urban Infrastructure Erosion

Dumping, including but not limited to, construction waste, yard waste, organic material (e.g., pine needles, manure) or other plant or household materials into waterways within the watershed can have a number affects on environmental or water quality:

- Trap sediments and increase streambed embeddedness.
- Create blocked streambeds, increasing the risk of flooding.
- Yard waste can spread invasive species.
- Decomposing vegetation can reduce the oxygen in streams for fish and aquatic life.
- Increase nutrient loads.
- Increase natural bacteria growth (e.g., blue-green algae).
- Other construction waste can potentially include a wide variety of pollutants.

The BCWA PGO20 provides alternatives to coal tar-based pavement sealcoats, guidance for agencies, property owners, associations and managers in Bear Creek Watershed. Coal-tar-based sealant is a thick black liquid that is applied to many parking lots, driveways and road surfaces in the Bear Creek Watershed to protect against cracking, natural deterioration and water & snow-melt damage. A significant component of coal tar is polycyclic aromatic hydrocarbons, or PAHs. Friction from vehicle tires wears down the sealant into small particles. Snow removal practices can scrap-off the sealant. These dislodged particles are washed off pavement by rain or snowmelt and carried down storm drains or directly discharged into streams like Bear Creek and Turkey Creek.

- Used asphalt from construction waste can impair water quality.
- Coal tars associated with asphalt repairs can impair Water quality; see *BCWA Fact Sheet 50 Coal-Tar Alternatives*, and *BCWA PGO20 Coal Tar Concerns and Alternatives*.

Illicit Discharge

Illicit discharges are non-stormwater discharges into a storm drain systems or waterways. Examples of illicit discharges include illegal dumping (e.g., used oil, grease, chemicals), accidental spills, failing OWTS systems, improper disposal of sewage from recreational activities such as boating or camping, and commercial or industrial establishments dumping into the storm sewer system or other drainage way. A common cause of illicit discharges is connection of building or garage or floor drains to the storm sewer system. Illicit discharges have the potential to impair water quality. Generally, Jefferson County, Clear Creek County, and Lakewood address illicit discharges through their stormwater management programs.

Membership Policies

1. The Association as a water quality management agency has limited authorities as established under the *Statewide Water Quality Management Plan (SWQMP) (WQCD Version 1.0- June 13, 2011) (BCWA Policy 29 BCWA Integration with Other Planning Efforts)*. As such, the Association will generally report dumping or illicit incidents to the appropriate authorizes (e.g., county government, municipal programs and state water quality control division). The association may document pollutant incidents to the extent necessary under the SWQMP.
2. The Association will follow-up on a pollutant incident that affects state stream standards and classifications within the watershed as adopted by the Colorado Water Quality Control Commission. This may include additional water quality or environmental testing to establish a pollutant source or cause. Documented pollutant events that degrade stream standards may be reported in the annual Association report and data report. The Association will report these documented pollution incidents to the appropriate authorizes (e.g., county government, municipal programs and state water quality control division).
3. The Association considers the disposal of, including but not limited to, construction waste, yard waste, organic material (e.g., pine needles, manure) or other plant or household materials into waterways within the watershed as nonpoint source pollution. This form of waste disposal can harm water quality and is not an acceptable practice in the watershed. Observed incidents of this disposal practice should be documented and reported to appropriate authorizes.

4. The Association considers the disposal of hazardous household waste and “certain electronic wastes” as nonpoint source pollution. This form of waste disposal may harm water quality and is an illegal practice in the watershed. Observed incidents of this disposal practice will be reported immediately to appropriate authorities (e.g., county government, municipal programs, state water quality control division, or Association).
5. The BCWA supports beneficial recycling of materials in the watershed as a natural resource protection and best management practice (See *BCWA Policy 17 Beneficial Recycling of Natural Resources in Bear Creek Watershed*).