

Water Quality Management Agencies

2.3.1.1 Section 208 Management Entities

The term management agency was introduced into the water quality lexicon in section 208 of the Clean Water Act (CWA). It is defined in relation to planning agency and operating agency. At the time the CWA was enacted in 1972, Congress recognized that all three types of entities would be necessary to accomplish the ultimate objective of the act to "restore and maintain the chemical, physical, and biological integrity of the nation's waters."

In order to achieve this goal, management control must be exerted over both point and nonpoint sources of pollution. Operating agencies are needed to carry out day-to-day wastewater treatment plant functions and to ensure operational and financial capacity is adequate to protect the receiving waters assimilating wastewater discharges. Planning agencies are needed to develop regional or statewide water quality management plans in accordance with the requirements of CWA section 208 (i.e., to evaluate the existing conditions in state waters, identify the sources of pollutants, and address the cumulative impacts of multiple discharges and nonpoint sources in the planning area by developing appropriate management practices and recommendations for appropriate wastewater treatment effluent limitations).

The capabilities that management agencies are required to have are listed in CWA section 208(c)(2). They include the authority to:

- Carry out appropriate portions of an areawide waste treatment management plan,
- Manage waste treatment works and related facilities serving such an area in conformance with any plan,
- Design and construct new works directly or by contract and to operate and maintain new and existing works as required by any plan,
- Accept and use grants, or other funds from any source, for waste treatment management purposes,
- Raise revenues, including the assessment of waste treatment charges,
- Incur short- and long-term indebtedness,
- Ensure in implementing an areawide waste treatment management plan that each participating community pays its proportionate share of treatment costs,
- Refuse to receive any waste from any municipality, or subdivision thereof, that does not comply with any provisions of an approved plan under this section applicable to such area,
- Accept industrial wastes for treatment.

2.3.1.2 Management Agencies In Colorado

In Colorado, general-purpose local governments and special districts are designated as management agencies for controlling point and nonpoint sources of pollution. General-purpose local governments, such as counties and incorporated cities and towns, are considered preferable in this management role

because the opportunity to coordinate point source, nonpoint source, and planning decisions can be vested in one specific entity. Management agencies are identified under the law as having the responsibility and authority to implement section 208 plans. The primary responsibility of the management agency is to ensure that the point and nonpoint source control programs that have been assigned to them are accomplished within prescribed time frames (WQCC 2006a).

Operating agencies, as distinguished from management agencies, are those entities which are responsible for specific activities for pollution control under the general direction of a management agency. For example, water districts, sanitation districts, industries and municipalities who are holders of point source discharge permits are operating agencies under some water quality management plans. They may be responsible to a management agency (e.g., a city or a county within which they are located).

Colorado's statewide water quality management plan

Statewide water quality management plan and resources

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