

The Clean Water Act passed in 1972 is the basis for water quality management for all states. The U.S. Environmental Protection Agency (EPA) is the federal agency in charge of assuring compliance with the Act. However, in Colorado implementation of this Act has been delegated to the Water Quality Control Commission of the Colorado Department of Public Health and Environment. The Colorado Water Quality Control Division is the state agency in charge of regulating water quality under the Colorado Water Quality Control Act.

Section 208 of the Clean Water Act allows for regional approaches to water quality management. This gives regional agencies the power to recommend ways to protect and enhance water quality, to identify the major water quality issues, to provide input on water quality standards and classifications, and to adopt water quality management plans. NWCCOG is the Section 208 agency for Eagle, Grand, Jackson, Pitkin, and Summit Counties in Colorado (region 12).

Section 404 of the Clean Water Act (CWA) requires approval for discharges of dredged or fill material into any waters located in the U.S. This section focuses on ensuring that physical, biological, and chemical water quality is protected from unregulated discharges that could permanently degrade waters and wetlands. Section 404 permits are issued by the U.S. Army Corps of Engineers and are required for most any type of water diversion or storage project. When determining the validity of a permit, the Corps follows the Section 404(b)(1) guidelines of the CWA. This permitting process is a key component to water development in Colorado, as it is necessary for the development of most reservoirs and other diversion projects.

Section 401 of the Clean Water Act is titled the State Water Quality Certification Program and requires states to certify that federal permits or licenses will comply with state water quality laws. Under this section, Colorado has the right to review any federal permit or license that may result in a discharge into its waters, including a 404 permit for wetlands. This allows the state to ensure that discharges are consistent with the state's water quality laws, as these are sometimes more stringent than federal requirements. Federal permits must meet these state requirements in order to be issued.

Section 402 covers the NPDES (National Pollution Discharge Elimination System), the regulatory program created under the Clean Water Act to issue permits to those discharging pollutants from "point sources." "Point sources" are points of discharge, most commonly from factories or wastewater plants that emit water directly into the stream system. These sources are normally discharged from the end of a pipe and are of different quality than the receiving stream. The NPDES, or CPDES as it is called in Colorado, requires discharges to meet technology-based effluent standards, which are set nationally by the EPA for each category of water based on where the discharges occur. In Colorado, the Water Quality Control Commission is charged with classifying waters based on current and future uses. These classifications include uses for agriculture, aquatic life, domestic water supplies, recreation, and wetlands. Discharges that reduce water quality below standards adopted to protect these classified uses are prohibited.