

Dredge and fill

An overview of WOTUS and the current situation

Shaun McGrath, Director of Environmental Health & Protection Services, CDPHE



Photo by Colorado Natural Heritage Program



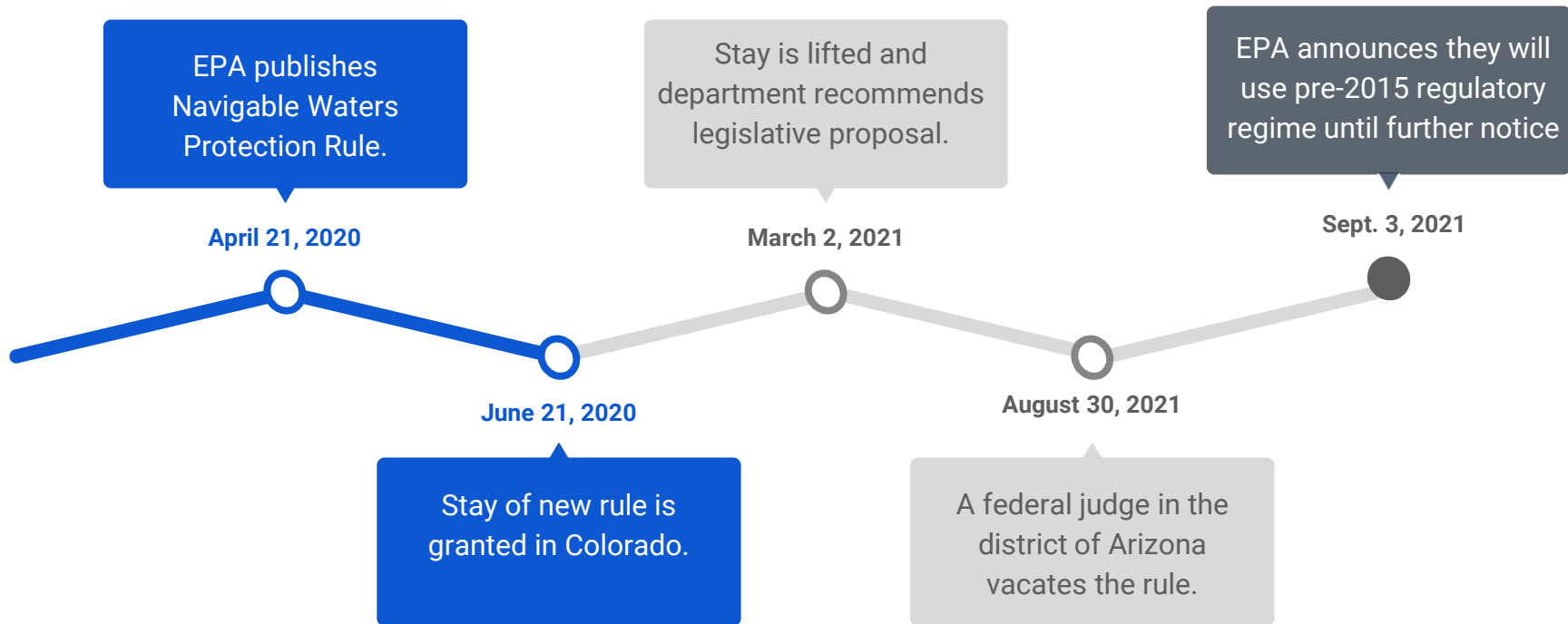


We are committed to protecting state waters and bringing certainty to our regulated entities.

Photo by Colorado Natural Heritage Program



Where we are today





Why was this a
problem in the
first place?

WOTUS definition



Waters at risk and regulatory uncertainty

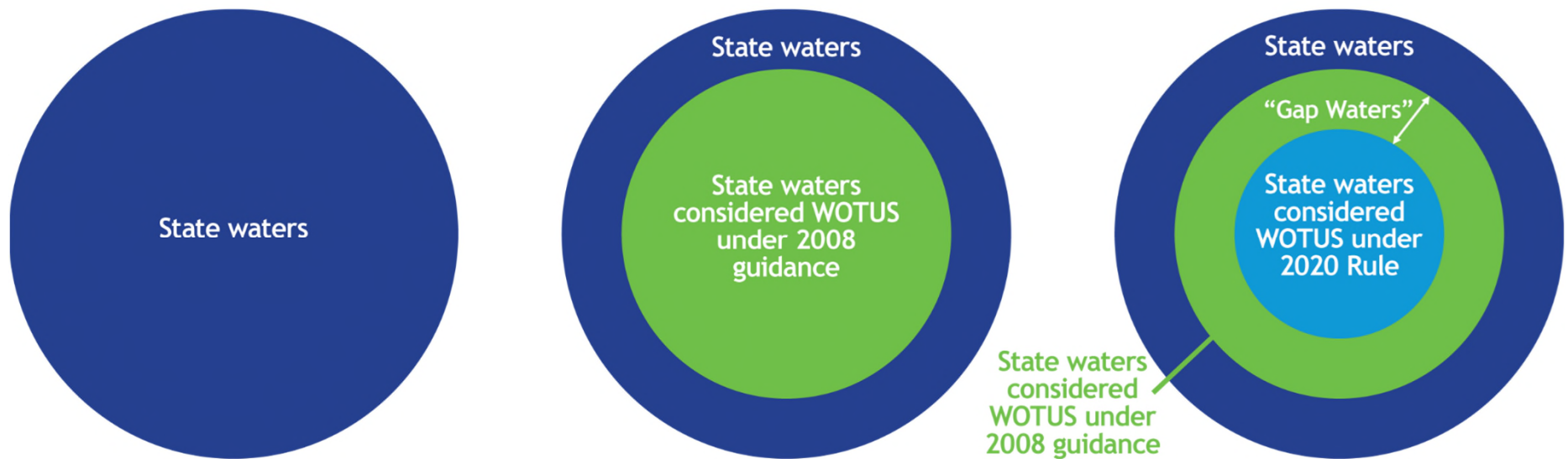
- 25-50% of waters were at risk with the new rule.
- Colorado has lost 50% of our wetlands since the 1800's.
- With a drier climate, more waters would be put at risk.



Photo by Colorado Natural Heritage Program



Gap waters



Permitting dredge and fill



Photo by CDOT



State authority

The state **does have** authority to protect state waters using enforcement.

The state **does not have** the authority to run a dredge and fill permit program.



Enforcement would be our only option

- Poor customer service.
- Without spending authority, it's unsustainable.
- Waters are irreversibly harmed.



Looking ahead



Photo by Colorado Natural Heritage Program



EPA rulemaking process

- 1 Participated in summer stakeholder meetings
- 2 Provided and will provide written comments through rulemaking
- 3 States consultation and regional roundtables



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