

As Colorado Flood Clean-up Begins, Water Quality Concerns are Front and Center

As the floodwaters recede in Colorado, they leave behind scenes of devastation. Communities torn apart, lives lost, homes and businesses left in ruin and disrepair. Second to life & safety concerns during this natural disaster have been impacts to infrastructure like our roads, bridges and water treatment facilities, leaving a major effect of the recent flooding on water quality. While floodwaters were high, the top priority of state and local officials was the preservation of life. As the rescues continue, many are now turning to cleaning-up and the start of rebuilding. Especially for small businesses owners, the process of cleaning and rebuilding can be fraught with legal and regulatory landmines.

The [Colorado Water Quality Control Division](#), the state agency responsible for ensuring that water quality measures are met and bringing enforcement actions against violators, reports as of September 17 that they recognize the breadth of the loss in property and are working to provide a certain amount of regulatory flexibility to help speed the clean-up. Though the Division is providing flexibility, this does not mean that they will turn a blind-eye to water quality violations in the flooded areas of Colorado.

Some businesses in the affected area were able to secure hazardous materials, chemicals and gasoline and diesel fuel before their businesses, shops and yards were flooded. For others, the waters came too quickly for them to secure or relocate the things that might present health, safety and water quality concerns. In nearly every case, water that has been in contact with substances like hazardous materials, chemicals, or fuel cannot simply be pumped into stormwater systems or directly to running water; even if it is running flood water. If a homeowner or business owner is caught “dumping” this tainted water, fines and enforcement are still likely to be the result.

Even more problematic for these business owners is the fact that retention ponds and berms may have been washed-out by the flooding, requiring reconstruction of previously permitted facilities. The Water Quality Control Division is looking to create an expedited review process for rebuilding and replacing facilities and structures that have been damaged or destroyed by the flood. Moreover, the Division has indicated that its priority is safety first, which means that life & safety measures are not likely to be bogged down in “red tape.”

In all cases, if there are suspected water quality concerns, the Division should be contacted, or precautions otherwise taken, before disposing of the tainted water. The rebuilding process is going to be difficult. In the process, homeowners and business owners must take care to not make their lives more difficult by running afoul of state and local regulations.

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