

Recreational Use Designations in Colorado

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In 2000, the Colorado Water Quality Control Commission (Commission) adopted significant refinements to the state regulatory provisions regarding adopting recreational use designations for state surface waters. Implementation of these new provisions into the water quality standards for four separate river basins has led to further clarification regarding the protection of water quality for recreational uses in Colorado.

Colorado's Basic Standards and Methodologies for Surface Water, Regulation #31 (5 CCR 1002-31) provide for:

- A recreation class 1a "existing primary contact" designation for waters in which primary contact uses have been documented or are presumed to be present. This is the default designation if no other information is available;
- A recreation class 1b "potential primary contact" designation for waters where a reasonable level of inquiry has failed to identify any existing primary contact uses, but no use attainability analysis (UAA) has been completed demonstrating that a class 2 designation is appropriate.
- A recreation class 2 "secondary contact" designation for waters where a UAA has demonstrated that there is not a reasonable potential for primary contact uses to occur with the next 20-year period, but the waters are suitable or intended to become suitable for other recreational uses.

The Commission has adopted associated numerical criteria that are somewhat less restrictive for class 1b designations than class 1a designations, based on a policy decision to accept a slightly higher risk level for class 1b waters, since primary contact uses are not likely to be occurring at present, although such uses may be possible in the future.

Colorado's regulation provides that primary contact uses "include but are not limited to ... swimming, rafting, kayaking, tubing, windsurfing and water-skiing." The Commission also has adopted class 1a designations for waters where it has determined that there is a potential risk of ingestion of small quantities of water by children playing in relatively shallow streams, based on the hand-to-mouth pathway. Thus, such ingestion may occur in streams where whole body immersion is not likely. The Commission has adopted this designation only where the evidence demonstrates a likelihood of such activity on a frequently occurring basis.

Therefore, water play by children may be an appropriate basis for a Recreation Class 1a or 1b classification in a developed area where there is easy access to a stream for children and it is likely that children will desire to play in the stream. On the other hand, factors such as lack of adequate flow, excessive flows, remoteness from developed areas, physical limitations to access, steep banks, and visibly poor water quality may make it unlikely that child's play will take place on a frequently occurring basis. The Commission anticipates that these classification decisions will require case-by-case judgments until more experience is gathered with this issue.

In addition to adopting the above clarifications, the Commission has begun adopting differing seasonal recreational use designations for surface waters where there is evidence that existing or potential uses vary at different times of the year, e.g. due to cold temperatures in the winter months.

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