

Regulatory Awareness

Description

A variety of local, state and federal environmental regulations impact landscaping and nursery operations. Green Industry professionals should be aware of these regulations and comply with their requirements.

Basic Practice Guidelines

Green Industry professionals should be aware that environmental regulations apply to a variety of activities. See Appendix C for a list of specific regulations with contact information. Potential regulatory issues include the following:

1. Pesticide Application, Handling and Disposal—state and federal regulations mandate specific requirements and certifications for those applying, handling and storing pesticides. Regulations also exist for reporting spills of these chemicals.
2. Riparian Buffer Zones—local regulations may limit disturbance of riparian areas along streams or near wetlands. This is typically in the form of a “setback” requirement, which may vary considerably (e.g., 25 to 200 feet) based on local conditions.
3. Wetlands—Section 404 of the federal Clean Water Act restricts the dredging and filling of jurisdictional wetlands. Consult with the local U.S. Army Corps of Engineers prior to initiating any activity that affects wetlands.
4. Stormwater Management/Erosion and Sediment Control—the Phase II stormwater regulations require a discharge permit for construction activities disturbing one acre or more. Local permits may also be required for land disturbance. Landscape contractors should work with the general contractor and/or civil engineer to ensure that requirements of state and local permits are met, particularly with regard to erosion and sediment control during construction. Additionally, permanent engineered stormwater management facilities (e.g., retention ponds, wetlands, infiltration basins) may be required aspects of landscape design.
5. Groundwater Protection—Particularly in areas overlying shallow groundwater, regulations may exist that require special precautions when applying chemicals or including ponds as part of landscape and stormwater management features (e.g., retention ponds, detention ponds, infiltration basins).
6. Noxious Weeds—State and county regulations are in place regarding control of noxious weeds. (See www.ag.state.co.us/DPI/weeds/weed.html for a complete listing of such weeds and to contact the county weed coordinator.)
7. Water Rights—Always check with the landowner to ensure that adequate water supplies/water rights are in place prior to installing water or irrigation-dependent landscape

BMP Type			
Design			X
Installation			X
Maintenance/Operations			X
Green Industry Relevance			
ASLA	X	GCC	X
ALCC	X	ISA	X
CALCP	X	RMSGGA	X
CGGA	X	WFC	X
CNA	X		

features. The Colorado State Engineer's Office administers water rights under the "prior appropriation" doctrine in Colorado.

8. Landscaping Ordinances—Some local governments in Colorado have landscaping ordinances in place, which specify the types of landscaping and irrigation practices that are acceptable. Before designing a landscape or irrigation system, check with local authorities to determine applicable requirements. Guidelines associated with these ordinances may be helpful in selecting appropriate plant species for a site.
9. Backflow Prevention—Backflow prevention devices are required for irrigation systems to prevent cross-contamination of municipal water supplies. See the Colorado Unified Plumbing Code for guidance.
10. Cross-connection Controls—Cross-connection controls are required for irrigation systems using reclaimed or non-potable water.
11. Fire—Local fire departments may prescribe landscape practices near fire hydrants and in fire-prone areas.
12. Wildlife—Local "overlay" districts may affect landscaping with regard to certain wildlife species. Additionally, some habitats may be protected through the federal Endangered Species Act and the Migratory Bird Treaty Act, as administered by the Colorado Division of Wildlife and the U.S. Fish and Wildlife Service. Contact these agencies for specific information.
13. Utilities—Landscaping must conform to local requirements with regard to utilities such as power line rights-of-way and locating underground utilities prior to excavation.
14. Other—A variety of other regulations may exist that do not directly pertain to water resources (e.g., air regulations, public safety, frontage setbacks) and are not included in this list.

Regional or Industry Considerations/Adaptations

1. Local regulations may vary and should be considered prior to landscaping activities. Mountain areas where sensitive streams (e.g., trout fisheries) are present or areas that are particularly drought-prone may have stricter regulations than some Front Range communities.

Key References

See Appendix C for a detailed list of references and contacts.