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Introduction

The *Colorado Register* is published pursuant to C.R.S. 24-4-103(11) and is the sole official publication for state agency notices of rule-making, proposed rules, attorney general's opinions relating to such rules, and adopted rules. The register may also include other public notices including annual departmental regulatory agendas submitted by principal departments to the secretary of state.

"Rule" means the whole or any part of every agency statement of general applicability and future effect implementing, interpreting, or declaring law or policy or setting forth the procedure or practice requirements of any agency. "Rule" includes "regulation". C.R.S. 24-4-102(15). Adopted rules are effective twenty days after the publication date of this issue unless otherwise specified.

The *Colorado Register* is published by the office of the Colorado Secretary of State twice monthly on the tenth and the twenty-fifth. Notices of rule-making and adopted rules that are filed from the first through the fifteenth are published on the twenty-fifth of the same month, and those that are filed from the sixteenth through the last day of the month are published on the tenth of the following month. All filings are submitted through the secretary of state's electronic filing system.

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Notice of Proposed Rulemaking

Tracking number

2017-00364

Department

200 - Department of Revenue

Agency

204 - Division of Motor Vehicles

CCR number

1 CCR 204-6

Rule title

RULES AND REGULATIONS FOR CLASSIFICATION OF DRIVER'S LICENSES

Rulemaking Hearing**Date**

09/18/2017

Time

10:30 AM

Location

1881 Pierce Street, Lakewood CO 80214: Rm 110 (Board/Commission Meeting Room)

Subjects and issues involved

To repeal Rules and Regulations for classification of Drivers Licenses. The rule is being repealed due to is confliction to the Federal Code of Regulations, C.R.S, and existing rules. It is no longer deemed needed.

Statutory authority

24-4-103, 42-2-111(1)(b), 42-2-403(2)(s), 42-2-407(8) and Federal Motor Carrier Safety Regulations Part 383, 384, 390 and 391

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DEPARTMENT OF REVENUE

Division of Motor Vehicles

RULES AND REGULATIONS FOR CLASSIFICATION OF DRIVER'S LICENSES

1 CCR 204-6

[Editor's Notes follow the text of the rules at the end of this CCR Document.]

Regulation 42-2-101:

- (1) ~~Only one license will be issued to any one applicant which will indicate the class or classes of licenses for which the applicant has qualified.~~

- (2) Classes of Drivers Licenses:

~~Class A – This class includes any vehicle or combination of vehicles, except a bus or motorcycle. This class includes motorized bicycles (mo-peds).~~

~~This class permits the driving of vehicles including Class C and Class B, but does not permit the operation of a motorcycle, motorscooter, motor-driven cycle, or a bus equipped for carrying ten or more persons.~~

~~Class B – This class includes any single vehicle except a bus or motorcycle, and will permit the licensee to tow one other vehicle of less than ten thousand pounds gross vehicle weight. This class includes motorized bicycles (mo-peds).~~

~~This class permits the operation of all vehicles in Class C, but does not permit the operation of a motorcycle, motorscooter, motor-driven cycle, or a bus equipped for carrying ten or more persons.~~

~~Class C – This is the basic drivers' license and permits the operation of any two-axle vehicle. It does not permit the licensee to operate vehicles described in Class A, B, 5 or M. It also permits the towing of one other vehicle or trailer of less than ten thousand pounds gross vehicle weight. This class includes motorized bicycles (mo-peds).~~

~~Class M MOTORCYCLE; ANY VEHICLE DESIGNED TO TRAVEL WITH NOT MORE THAN THREE WHEELS IN CONTACT WITH THE GROUND, EXCEPT FOR THOSE VEHICLES THAT ARE LISTED AS FARM TRACTORS, AND NOT MEETING THE DEFINITION OF A MOTORSCOOTER OR MOTORIZED BICYCLE. EFFECTIVE OCTOBER 1, 1999, NO NEW CLASS M LICENSE WILL BE ISSUED. THE M WILL APPEAR ONLY AS AN ENDORSEMENT ON A CLASS R (REGULAR) OR COMMERCIAL DRIVER LICENSE (CDL).~~

~~Class R REGULAR; ANY VEHICLE WITH A GROSS VEHICLE WEIGHT OR GROSS COMBINATION WEIGHT RATING OF 26,000 POUNDS OR LESS, TRANSPORTING NO MORE THAN 15 PASSENGERS INCLUDING THE DRIVER AND TRANSPORTING NO HAZARDOUS MATERIALS IN QUANTITIES REQUIRING PLACARDING UNDER DEPARTMENT OF TRANSPORTATION (DOT) REGULATIONS.~~

~~Class S – This class permits the operation of a vehicle which is equipped for carrying ten or more persons. This class includes motorized bicycles (mo-peds).~~

~~This class does not include school buses which are subject to special regulations set forth by the Colorado Department of Education. Drivers of school buses must apply for a special school bus drivers' license.~~

~~The Class S license applicant must qualify or have in possession a valid Colorado Class A, B, or C license before the Class S License can be issued.~~

Certification of Employers

REGULATION:

- ~~1(a) The department will accept certificates of driver experience or training in lieu of driving tests on applications for Class A, B, or S drivers' licenses when the applicant submits a certificate issued by an employer certified and authorized by the department.~~
- ~~(b) The department will accept certificates of driver training and experience in lieu of a driving test for motorcycle operators who are operating such vehicles for police departments, state patrol, or sheriffs offices and the certificate is issued by such agency.~~

Employers Must Qualify

- ~~2(a) Employers submitting certificates of driver experience or training on behalf of their employees, including contract employees, must secure departmental approval for that purpose. Only employers who provide training and testing equal to the training and testing required by the department will be authorized.~~
- ~~(b) Employers must obtain approval by submitting an application, provided by the department, containing facts concerning their operation. Each employer will be assigned a number and this number will be used by the employer in submitting the certificate of driving experience as prescribed by the department. The application will outline the nature and type of operation and type of training given. The application will be evaluated by the department before approval is granted.~~
- ~~(c) Employers outside the State of Colorado are not eligible for approval except where such employers have branches or terminals located in Colorado and such branches or terminals can qualify under the requirements.~~

Basic Requirements for Acceptance of Certificate

- ~~3(a) Before any certificate of experience or training can be accepted, the applicant must meet certain basic requirements. Such applicants must first meet the requirements for a Class C license. Previous qualification for a license will be considered upon presentation of evidence of such licensing, as meeting this requirement.~~
- ~~(b) First Time Applicants. Applicants applying for their first license of any type, or not presenting evidence of a previous Colorado driver's license, must pass both the Class C rules of the road test and driving tests. The Class C driving test may be waived for applicants holding licenses from another U.S. state or territory which are valid.~~
- ~~(c) Former Licensees. Applicants applying for a Class A, B, or S license who hold a Colorado chauffeur license must pass the applicable written test for the specific class of license. The driving test will be waived if the applicant who holds the chauffeur license can present acceptable evidence of experience in the operation of a vehicle in the specific class. The applicant who holds a previous chauffeur license who cannot submit such evidence of experience must pass the required driving test.~~

- (d) ~~Present Licensees.~~ Applicants presently holding a valid Colorado licenses and who seek an exchange to a higher class, need take only such rules of the road tests as are needed for the higher qualification, and may submit a certificate of experience in lieu of the special driving tests.
- (e) ~~Renewal Within Same Class.~~ Applicants renewing their licenses within the same or equivalent classes, must take any written law tests required for their class but no driving test or certificate of experience is required.

When Certificate Cannot Be Accepted

4. The experience or training certificate will not be accepted:

- (a) ~~When the applicant does not or did not previously meet all the requirements for the Class C license.~~
- (b) ~~When the application is only for classes other than A, B, or S.~~
- (c) ~~When the certificate indicates training or experience only in vehicles which do not meet minimum test vehicle requirements.~~
- (d) ~~When the applicant has previously attempted to qualify for Class A, B, or S on his current application by means of a driving test, but has failed. In such case, qualification can only be made by means of a driving test.~~

Employer's Statement

- 5(a) ~~Employers desiring to obtain approval to furnish experience and training certificates for their employees must submit an Employer's Statement, on forms provided by the department, outlining the nature of their business and the type of training given. Such statements are evaluated for approval to issue certificates to employees for original and late renewal applicants. The determination is based on the type of organization and its driver selection and training methods as indicated by the employer.~~
- (b) ~~In addition, employers must submit a signature card, on a form provided by the department, for each person who is to be authorized to sign certificates.~~
- (c) ~~Employers are required to use identical "company name" and the employer numbers on all forms and correspondence concerning this program.~~

Criteria for Employer Approval

- 6. ~~To be approved for furnishing certificates to employees who are either original or late renewal applicants for Class A, B, or S licenses, an employer must either:~~
 - (a) ~~Be engaged in a business wherein the transportation of persons or property in motor vehicles is an essential portion of the normal operation of such business, AND must operate a fleet of not less than three separate motor vehicles, such fleet to include at least one motor vehicle having more than two axles or at least one bus or at least one trailer, ten thousand pounds gross weight or over.~~

NOTE: ~~When the trailer is needed to meet fleet qualification, there must be at least three motor vehicles in such fleet.~~

- (b) ~~Be an educational institution or district operating school buses, AND must operate a fleet of at least three separate motor vehicles, at least one of which must be a school bus, and~~
- (c) ~~Conduct a driver selection or training program which includes driving tests, skill tests, or student trips, and either classroom instruction or tests on rules of the road and regulations.~~

Criteria for Certificate Approval

- 7. ~~When a certificate is presented, it must be signed by an approved employer (or his authorized representative). With reference to the individual applicant's qualifications, the certificate of experience must show:~~
 - (a) ~~If the application is an original for the class requested, that the applicant has satisfactorily completed a course of training in the type of vehicle for which he has requested a license to drive. Experience may be accepted in lieu of training, provided the certificate shows at least four months experience within the past five years in vehicles of the class requested (out-of-state or otherwise).~~
 - (b) ~~If the application is for renewal within the same or equivalent class but the previous license has expired, that the applicant has had at least thirty days experience within three years of the application date in the operation of vehicles of the type in the requested class. Training may be shown but is not required. No driving test or certificate is required on renewal within the same or equivalent class if the previous license has not expired.~~

Reference Materials

- 8. ~~The department will publish Driver Hand Books covering laws, rules and procedures applicable to the various classes of licenses. These hand books are to be used by employers authorized to issue certificates of training and experience as a part of their training program.~~

Regulation 42-2-114:

~~The Department shall collect a fee of five dollars (\$5.00) for the issuance of any probationary driver license.~~

Editor's Notes

History

Notice of Proposed Rulemaking

Tracking number

2017-00365

Department

200 - Department of Revenue

Agency

204 - Division of Motor Vehicles

CCR number

1 CCR 204-30

Rule title

DRIVER LICENSE-DRIVER CONTROL

Rulemaking Hearing

Date

09/20/2017

Time

03:30 PM

Location

1881 Pierce Street, Lakewood CO 80214: Rm 110 (Board/Commission Meeting Room)

Subjects and issues involved

The purpose of these rules is to promote the safety and welfare of the citizens of Colorado by establishing standards and requirements for licensing commercial drivers license testing units and testers, to establish fees for such licensing and maximum fees that may be charged by such testing units, to establish certain procedures and standards for issuing and possessing commercial drivers licenses, and to ensure compliance with state and federal requirements.

The rule is being amended to incorporate new procedures as a result of DRIVES.

Statutory authority

The Department is authorized to adopt rules and regulations as necessary for the Commercial Drivers License Program in accordance with sections 24-4-103, 42-2-111(1)(b), 42-2-114.5, 42-2-403, 42-2-406 (3 through 7), and 42-2-407(8), C.R.S.

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DEPARTMENT OF REVENUE

Division of Motor Vehicles

1 CCR 204-30 Rule 7

RULE 7 RULES AND REGULATIONS FOR THE COMMERCIAL DRIVER'S LICENSE (CDL) PROGRAM

A. BASIS, PURPOSE, AND STATUTORY AUTHORITY

- (1) The Department is authorized to adopt rules and regulations as necessary for the Commercial Driver's License Program in accordance with sections 24-4-103, 42-2-111(1)(b), ~~42-2-403~~, 42-2-114.5, ~~42-2-403~~, ~~42-2-406~~ (3 ~~through~~- 7), and 42-2-407(8), CRSC.R.S.
- (2) The purpose of these rules is to ~~ensure compliance with state and federal requirements to~~ promote the safety and welfare of the citizens of Colorado by establishing standards and requirements for licensing commercial driver's license testing units and testers, to establish fees for such licensing and maximum fees that may be charged by such testing units, to establish certain procedures and standards for issuing and possessing commercial driver's licenses, and to ensure compliance with state and federal requirements.

B. INCORPORATION BY REFERENCE OF FEDERAL RULES

- (1) Adoption: The Department incorporates by reference the Federal Motor Carrier Safety Regulations ("FMCSR"), 49 CFR parts 171, 172, and 300-399, Qualifications and Disqualification of Drivers, 26 USC Section 501(c) (2015), and the Colorado Department of Public Safety, Colorado State Patrol, Rules and Regulations Concerning Minimum Standards for the Operation of Commercial Vehicles at 8 CCR 1507.1.
- (2) "49 CFR", when referenced in this rule, means the Federal Regulations published in the Code of Federal Regulations ("CFR"), Title 49, parts 171, 172, and 300-399 (October 1, ~~2014~~2016). The Federal rules and regulations referenced or incorporated in this rule, and 8 CCR 1507-1, are on file and available for inspection by contacting the Driver License Section of the Department of Revenue in person at, 1881 Pierce Street, Room 128, Lakewood, Colorado, 80214, or by telephone at 303-205-5600, and copies of the materials may be examined at any state publication depository library.

C. DEFINITIONS

- (1) AAMVA: American Association of Motor Vehicle Administrators is a voluntary, nonprofit, tax exempt, educational unit that represents state and provincial officials in the United States and Canada who administer and enforce motor vehicle laws-
- ~~(2)~~ CDL: Means "Commercial Driver's License" as defined in section 42-2-402(1), C.R.S.
- ~~(3)~~ CDL Compliance Unit: Means ~~the~~ administrative unit contained within the Department charged with the oversight and regulation of CDL third party testing units and testers on AAMVA's CDL skills testing.
- ~~(420)~~ CDL Passenger Vehicle: For the purposes of this rule, means ~~a~~ passenger vehicle designed to transport 16 or more passengers, including the driver.
- ~~(53)~~ CDL Skills Test: Means "Driving tests" as referenced in section 42-2-402, C.R.S. and consists of the Vehicle Inspection, Basic Control Skills, and the Road Test.
- ~~(643)~~ CDL Vehicle Class: A group or type of vehicle with certain operating characteristics.
- ~~(72)~~ CLP – Commercial Learners Permit: The permit issued by the Department entitling the driver, while having such permit in his/her immediate possession, to drive a commercial motor vehicle of certain classes and/or endorsement(s), and/or restriction(s) upon the highways with a driver that possesses a CDL with the same

class and/or endorsements or higher, as the CLP holder.

~~CDL Skills Test: Means "driving tests" as referenced in section 42-2-402, C.R.S. and consists of the Vehicle Inspection, Basic Control Skills, and the Road Test.~~

~~(8) CMV: Means "Commercial Motor Vehicle" as defined in section 42-2-402(4), C.R.S.~~

~~(3) CDL Vehicle Class: A group or type of vehicle with certain operating characteristics.~~ (94) C.R.S.: Colorado Revised Statutes.

~~(10) CSTIMS - Commercial Skills Test Information Management System: Web-based system used by states to manage the CDL Skills Test portion of the CDL licensing process.~~

~~(115)~~ Disqualifications: The suspension, revocation, cancellation, or any other withdrawal by the Department of a person's privilege to drive a CMV or a determination by the FMCSA under the rules of practice for motor carrier safety contained in 49 CFR, that a person is no longer qualified to operate a CMV under 49 CFR; or the loss of qualification that automatically follows conviction of an offense listed in 49 CFR. (126)

~~(612)~~ Designed to Transport: The manufacturer's original rated capacity for the vehicle.

~~(137)~~ Endorsements: The letter indicators below added to a CDL and/or CLP indicate successful completion of the appropriate knowledge, and if applicable, the CDL Skills Test, and allow the operation of a special configuration of vehicle(s):

~~(a)~~ T = Double/triple trailers (not allowed on a CLP per 49 CFR)

~~(b)~~ P = CDL Passenger vehicle

~~(c)~~ N = Tank vehicles

~~(d)~~ H = Hazardous materials (Not allowed on a CLP per 49 CFR)

~~(e)~~ S = School buses

~~(f)~~ X = Combination of tank vehicle and hazardous materials (Not allowed on a CLP per 49 CFR)

~~(g)~~ M = Motorcycle (not allowed on a CLP per 49 CFR)

~~(h)~~ 3 = Three wheel motorcycle (not allowed on a CLP per 49 CFR)

~~(148)~~ Exemptions: Regulatory relief given to a person or class of persons normally subject to regulations ~~without the exception.~~

~~(159)~~ FMCSA: Federal Motor Carrier Safety Administration is an agency within the USDOT.

~~(160)~~ FMCSR: Federal Motor Carrier Safety Regulations (49 CFR).

~~(11) CDL Skills Test: Means "driving tests" as referenced in section 42-2-402, C.R.S. and consists of the Vehicle Inspection, Basic Control Skills, and the Road Test.~~

~~(172)~~ GCWR: Gross Combination Weight Rating is the value specified by the manufacturer as the maximum loaded weight of the combination vehicle.

~~(183)~~ Government agency: A state, county, city and county, municipality, school district, special improvement district, and every other kind of district, agency, instrumentality, or political subdivision thereof organized pursuant to law and any separate entity created by intergovernmental contract cooperation only between or among the state, county, city and county, municipality, school district, special improvement district, and every other kind of district, agency, instrumentality, or political subdivision thereof.

~~(194)~~ Intrastate Driver: A driver with a CDL restricted to operating a CMV within the boundaries of Colorado, and not authorized to transport items of interstate commerce or hazardous materials.

(2045) Interstate Commerce: Trade, traffic, or transportation in the United States between a place in a state and a place outside of such state (including a place outside of the United States), or between two places in a state through another state or a place outside of the United States, or between two places in a state as part of trade, traffic, or transportation originating or terminating outside the state or the United States.

(2146) Interstate Driver: A CDL holder authorized to cross state lines and transport interstate commerce while operating a CMV.

(2247) Intrastate Commerce: Trade, traffic, or transportation in any state that is not described in the term "interstate commerce."

(2348) Knowledge Test: A written test that meets the federal standards contained in 49 CFR.

(2449) Non-Profit: An organization filing with the United States Code 26 USC Section 501(c).

~~(20) CDL Passenger Vehicle: For the purposes of this rule, a passenger vehicle designed to transport 16 or more passengers, including the driver.~~

(254) Paved Area: ~~For the purpose of this rule, a~~ paved area is a surface made up of materials and adhesive compounds of a sufficient depth and strength that the area provides a durable, solid, smooth surface upon which an applicant may demonstrate basic vehicle control skills.

(262) Public Transportation Entity: A mass transit district or mass transit authority authorized under the laws of this state to provide transportation services to the general public.

(273) Restrictions: Prohibits the operation of certain types of vehicles or restricts operating a CMV to within designated boundaries:

- ~~(a)~~ L = No Air Brake equipped CMV
- ~~(b)~~ K = Intrastate only
- ~~(c)~~ E = No Manual Transmission
- ~~(d)~~ M = No Class A Passenger Vehicle
- ~~(e)~~ N = No Class A and B Passenger Vehicle
- ~~(f)~~ O = No Tractor-Trailer
- ~~(g)~~ P = No Passenger
- ~~(h)~~ X = No Liquid in Tank
- ~~(i)~~ V = Medical Variance (49 CFR)
- ~~(j)~~ Z = Restricted from operating a CMV with full airbrakes

(284) Self Certification Choice:

- **Non-excepted interstate.** A person's certification that he or she operates or expects to operate in interstate commerce, is both subject to and meets the qualification requirements under 49 CFR, and is required to be medically examined and certified pursuant to 49 CFR.
- **Excepted interstate.** A person's certification must certify that he or she operates or expects to operate in interstate commerce, but engages exclusively in transportation or operations excepted under 49 CFR from all or parts of the qualification requirements of 49 CFR, and is therefore not required to be medically examined and certified pursuant to 49 CFR.
- **Non-excepted intrastate.** A person's certification that he or she operates only in intrastate commerce and therefore is subject to Colorado driver qualification requirements.

- **Excepted intrastate.** A person's certification must certify that he or she operates in intrastate commerce, but engages exclusively in transportation or operations excepted from all or parts of the Colorado driver qualification.

(295) USDOT: United States Department of Transportation.

~~(26) CSTIMS: Commercial Skills Test Information Management System. Web-based system used by states to manage the CDL Skills Test portion of the CDL process.~~

D. DRIVER LICENSING REQUIREMENTS

(1) Each applicant applying for a CDL or CLP must be a resident of Colorado, at least 18 years of age, and comply with the testing and licensing requirements of the Department.

(a) The CDL and CLP will indicate the class of license, any endorsements, and any restrictions for that individual. The CDL is valid for the operation of a non-CMV including a motorcycle with the appropriate motorcycle endorsement on the license.

(b) A Colorado CDL may be issued upon surrender of a valid CDL from another state without additional testing except that an applicant must test for a hazardous material endorsement and school bus endorsement.

(c) An applicant with an out-of-state CLP cannot transfer that CLP to Colorado but must apply for a Colorado CLP and take all applicable CDL knowledge tests (49 CFR).

(2) Each applicant applying is required to make one of the following applicable self-certifications for the type of commercial driving the individual intends to do (49 CFR):

- **Non-excepted interstate.**
- **Excepted interstate.**
- **Non-excepted intrastate.**
- **Excepted intrastate.**

(3) Each applicant must meet the medical and physical qualifications under 49 CFR. Each applicant must submit their medical examiner's certificate and, if applicable, any federal variance or state medical waiver or Skills Performance Evaluation to a Driver License Office (49 CFR).

E. ENDORSEMENTS

(1) T-Double/Triple Trailers: Required to operate a CMV used for drawing two or more vehicles or trailers with a GCWR that is 26,001 lbs. or more and combined GVWR of the vehicles being towed is in excess of 10,000 lbs.

(2) P-Passenger: Required to operate a vehicle designed by the manufacturer to transport 16 or more passengers, including the driver.

(3) N-Tank Vehicles: Required to operate a vehicle that hauls liquid or liquid gas in a permanently mounted cargo tank rated at 119 gallons or more or a portable tank rated at 1,000 gallons or more.

(4) H-Hazardous Materials: Required to transport materials that require the motor vehicle to display a placard pursuant to the hazardous materials regulations.

(5) S-School Buses: Required to operate a school bus as defined in section 42-1-102(88), C.R.S.

(6) X-Combination Tank/Hazmat: Required to operate vehicles that meet the definition of (3) and (4) above.

F. RESTRICTIONS

- (1) Intrastate: The letter "K" is added to the CDL of a driver between the ages of 18 through 20, to an individual who has been issued a valid medical waiver from the Colorado State Patrol (8 CCR 1507-1)* or who self-certifies to excepted or not excepted intrastate driving (49 CFR). Under this CDL restriction, the driver must not:

- (a) Operate a CMV outside Colorado state boundaries; or
- (b) Transport interstate commerce as defined in 49 CFR.

*The waiver from Colorado State Patrol is valid only while the driver is transporting commodities OTHER THAN bulk hazardous materials, as defined in 49 CFR or commodities with a hazard class identified in 49 CFR, or commodities subject to the "Poison by Inhalation Hazard" shipping description in 49 CFR.

- (2) Air brake: The letter "L" is added to the CDL/CLP of an individual restricted from operating vehicles equipped with air brakes.

- (a) An individual may apply for removal of the "L" restriction after having successfully completed the air brake knowledge test and the CDL Skills Test in a vehicle equipped with air brakes that is representative of the CDL vehicle class.
- (b) When taking the CDL Skills Test in a vehicle equipped with air brakes, the applicant must have in his/her immediate possession a CLP without the "L" restriction.

- (3) Transmission: The letter "E" is added to the CDL of an individual restricted from operating vehicles equipped with a standard transmission.

- (a) An individual may apply for removal of the "E" restriction after having successfully completed the CDL Skills Test in a vehicle equipped with a standard transmission that is representative of the CDL vehicle class.
- (b) When taking the CDL Skills Test in a vehicle equipped with a standard transmission, the applicant must have in his/her immediate possession a CLP without the "E" restriction.

- (4) Class A Bus: The letter "M" is added to the CDL of an individual restricted from operating a Class A Passenger vehicle (49 CFR).

- (a) An individual may apply for removal of the "M" restriction after having successfully completed the CDL Skills Test in a Class A Passenger vehicle.
- (b) Before taking the CDL Skills Test in a Class A Passenger vehicle, the applicant must have in his/her immediate possession a CLP without the "M" restriction.

- (5) Class B Bus: The letter "N" is added to the CDL of an individual restricted from operating a Class B Passenger vehicle (49 CFR).

- (a) An individual may apply for removal of the "N" restriction after having successfully completed the CDL Skills Test in a Class B Passenger vehicle.
- (b) Before taking the CDL Skills Test in a Class B Passenger vehicle, the applicant must have in his/her immediate possession a CLP without the "N" restriction.

- (6) No Tractor-Trailer: The letter "O" is added to the CDL of an individual restricted from operating a vehicle equipped with a 5th wheel type coupling system (49 CFR).

- (a) An individual may apply for removal of the "O" restriction after having completed the CDL Skills Test in a tractor/semi-trailer combination vehicle equipped with a 5th wheel type coupling system.
- (b) When taking the CDL Skills Test in a tractor/semi-trailer combination vehicle equipped with a 5th wheel type coupling system, the applicant must have in his/her immediate possession a CLP without the "O" restriction.

- (7) No Passengers: The letter "P" is added to the CLP of an individual restricted from operating a Passenger vehicle with Passengers.

- (a) The "P" restriction is removed by successfully completing the CDL Skills Test in a Passenger

vehicle.

- (8) No Cargo in a Tank Vehicle: The letter "X" is added to the CLP of an individual restricted from operating a Tank vehicle containing liquid or gas.

(a) An individual may apply to have the "X" restriction removed after having successfully completed the CDL Skills Test.

- (9) Medical, Variance/Skills Performance Evaluation: The letter "V" will be added to any CLP or CDL for individuals who have been issued a federal medical variance (49 CFR).

- (10) Air brake: The letter "Z" is added to the CDL/CLP of an individual restricted from operating vehicles equipped with full air brakes.

(a) The "Z" restriction is removed by successfully completing the air brake knowledge test and the CDL Skills Test in a vehicle equipped with air brakes that is representative of the CDL vehicle class.

(b) When taking the CDL Skills Test in a vehicle equipped with air brakes, the applicant must have in his/her immediate possession a CLP without the "Z" restriction.

G. EXEMPTIONS

- (1) FMCSR 49 CFR Applicability: Authorizes the state to grant certain groups exceptions from the CDL requirements.

(a) FMCSR – 49 CFR: Exception for individuals who operate CMVs for military purposes.

(b) FMCSR – 49 CFR: Exception for operators of farm vehicles, as defined at section 42-2-402(4)(b)(III), C.R.S. and firefighters and other persons who operate CMVs that are necessary to the preservation of life or property, or the execution of emergency governmental functions, or that are equipped with audible and visual signals and are not subject to normal traffic regulation.

(c) FMCSR – 49 CFR: Exception for drivers employed by an eligible unit of local government, operating a commercial motor vehicle within the boundaries of that unit for the purpose of removing snow or ice from a roadway by plowing, sanding, or salting, if the properly licensed employee who ordinarily operates a commercial motor vehicle for these purposes is unable to operate the vehicle or if the employing governmental entity determines that a snow or ice emergency exists that requires additional assistance.

(d) FMCSR – 49 CFR: Restricted CDL for certain drivers in farm-related service industries.

- (2) FMCSR 49 CFR specifies the exceptions to the physical qualifications for individuals engaged in custom harvesting operations.

H. ENTITY ELIGIBLE TO APPLY FOR A CDL TESTING UNIT LICENSE

- (1) The Department may authorize a testing unit to administer the CDL Skills Test on behalf of the Department if such training and testing is equal to the training and testing of the Department.

- (2) A CDL Testing Unit must enter into a written contract with the Department and agree to:

(a) Maintain an established place of business in Colorado with a vehicle fleet of no less than three CMVs owned, leased or registered to the testing unit, the business owner, or an employee of the business;

(b) Maintain an adult education occupational business license with the Division of Private Occupational Schools, a division of the Colorado Department of Higher Education; or

(c) Be a government agency, public school district, private or parochial school, or other type of pre-primary, primary, or secondary school transporting students from home to school or from school to home.

I. CDL TESTING UNIT REQUIREMENTS

- (1) An entity must apply for and receive a CDL testing unit license from the Department in order to administer CDL Skills Tests. The CDL testing unit and each driving tester license expires on June 30th of each year. The licenses for both the testing unit and driving tester(s) must be displayed in the place of business.
 - (a) Testing unit and driving tester license fees are waived for non-commercial testing units and driving testers that only provide public transportation, and that do not test outside of their unit.
 - (b) Public transportation entities that test outside of their unit or that do not provide public transportation only, must submit the appropriate fees.
 - (c) If a license is not renewed on or before June 30th, the initial fees will apply. Testing unit and driving tester license(s) may be suspended or inactivated until appropriate fees and documentation are submitted.
 - (d) Licenses can be renewed up to 60 days prior to June 30th of each year.
- (2) The testing unit is not permitted to guarantee issuance of a Commercial Driver's License or to suggest that training will guarantee issuance of a Commercial Driver's License.
- (3) Testing units must only test if they have a current testing unit license issued by the Department.
- (4) Testing units must ensure that each driving tester has a valid tester license issued by the Department when he or she administers a CDL Skills Test.
- (5) The testing unit must notify the Department in writing within 3 business days of the termination or departure from the testing unit of any driving tester.
- (6) A testing unit's place of business must be a separate establishment and may not be part of a home. The unit's physical address must not be a post office box.
- (7) The testing unit must have written permission from the landowner to administer the CDL vehicle basic control skills exercises on areas not owned by the testing unit. This written permission must be submitted to the Department for approval prior to testing.
- (8) The testing unit must maintain at least one employee who is licensed as a CDL driving tester.
- (9) The testing unit must ensure that the unit's driving tester(s) follow the Department's standards for administering the CDL Skills Test.
- (10) The testing unit must ensure that the unit's driving tester(s) complete all CDL Third Party Testing forms correctly.
- (11) The testing unit must ensure that the unit's driving tester(s) administer the CDL Skills Test to applicants in a vehicle equal to, or lower than, the class and/or endorsement(s) and/or restriction(s) on applicant's CDL instruction permit or CDL.
- (12) Once a new driving tester candidate has passed the required 5 day new CDL third party tester's training course ~~tester training course~~, the testing unit must ensure that within thirty (30) days the new tester candidate ~~(s)~~:
 - a) Applies for his/her Third Party Testers license;
 - b) Administers two (2) drive tests while accompanied by a licensed driving tester who shall monitor the test and compare pass-fail results with those of the new driving tester candidate; and
 - c) Completes an Application for the fingerprint/background check ~~application within thirty (30) days~~

~~of completing and passing the tester training course. The licensing fees are the responsibility of the tester candidate~~

- (13) The testing unit is responsible for ensuring that driving testers attend all mandated training provided by the CDL Compliance Unit. Failure of driving testers to attend scheduled training may result in the suspension of testing privileges for the testing unit and the tester.

- (14) The testing unit must schedule all tests utilizing ~~the Commercial Skills Test Information Management System (CSTIMS)~~. The testing unit or driving tester must notify the CDL Compliance Unit of all canceled tests via CSTIMS as soon as the testing unit or driving tester is aware of the cancellation. The testing unit or driving tester must notify the Department of all tests scheduled or schedule changes via CSTIMS at least three (3) days in advance of the test. Tests not administered due to weather conditions or a vehicle failure may be rescheduled with ~~a minimum one (1) day approval from a CDL Compliance office~~ Unit notification by the testing unit.

~~a)~~ (a) The testing unit is not permitted to schedule an applicant more than once within any three (3) day period.

~~a)b)~~ Testing units must identify the applicant in Scheduled Comments in CSTIMS as Public, Employee, or Student.

~~(b)~~ The test must begin within 15 minutes before and no later than 15 minutes after its scheduled ~~time~~.

~~b)c)~~ The time. The test begins when the driving tester reads the Vehicle Inspection Overview to the applicant.

- (15) The testing unit must ensure that ~~the driving tester:~~

~~a)~~ The driving tester only issues the Colorado CDL Driving Skill Test Completion form (DR2736) and enters into CSTIMS all test results immediately after the completion of the test.

~~b)~~ The test results entered into CSTIMS match for the Class, Endorsements, and Restrictions class of the vehicle in which the applicant has successfully completed the CDL Skills Test; and.

~~c)~~ The driving tester uploads the correct score forms into CSTIMS.

- (16) The testing unit ~~will must administer allow~~ CDL Skills Tests only on Department approved testing areas and routes.

- (17) The testing unit must ensure all three portions of the CDL Skills Test are conducted during daylight ~~hours~~.

- (18) The testing unit must ensure the vehicle being used for testing does not have any labels or markings that indicate which components are to be inspected by an applicant during the Vehicle Inspection portion of the CDL Skills Test. Manufacturer labels and/or markings are permitted.

- (19) The testing unit must enter into an agreement with the Department containing, at a minimum, provisions that:

~~(a)~~ allow the FMCSA, the Department, and their representatives to conduct random inspections and audits without prior notice;

~~(b)~~ allow the Department to conduct on-site inspections at least annually;

- (c) require all driving testers to meet the same training and qualifications as state examiners, to the extent necessary to conduct CDL Skills Tests in compliance with these rules and regulations;
 - (d) ~~at least annually, allow the Department at its discretion, at least on an annual basis, to~~ Department employees to take the tests administered by the testing unit as if the ~~Department~~ state employee was an applicant, ~~or the Department may test an sample~~ applicant who was tested by the testing unit to compare pass-fail results; ~~and~~
 - (e) reserve to the Department the right to take prompt and appropriate action against any testing unit or driving tester when such driving tester fails to comply with Department or federal standards or any other ~~items of provisions in~~ the contract or the rules and regulations; ~~and~~
 - (f) ~~ensure that driving testers who test applicants from outside the driving tester's unit obtain the AAMVA-CDL third-party tester certification after completing one (1) full year of testing and renew their certification by December 31st of each year, as required by the Department. AAMVA membership fees are the responsibility of the driving tester.~~
- (20) A driving tester and a testing unit shall charge fees only in accordance with section 42-2-406, C.R.S. and this rule. A driving tester and a testing unit shall only charge for tests administered.
- (a) Except as otherwise provided in paragraph (b) of this subsection (20), the maximum total fee, including but not limited to any administrative fee, for administering a CDL Skills Test or retest to an applicant is two hundred twenty- five dollars (\$225.00).
 - (b) The maximum total fee, including but not limited to any administrative fee, for administering a CDL Skills Test or retest to an employee or volunteer of a nonprofit organization that provides specialized transportation services for the elderly and for persons with disabilities, to any individual employed by a school district, or to any individual employed by a board of cooperative services is one hundred dollars (\$100.00).
- (21) The testing unit must make all CDL testing records available for inspection during normal business hours.
- (22) The testing unit must hold the state harmless from liability resulting from the administration of the CDL program.
- (23) The testing unit must make annual application for renewal of the unit's testing license and individual driving tester license(s) before the license expires on June 30th of each year.

J. DRIVING TESTER REQUIREMENTS

- (1) The driving tester must possess a valid USDOT medical card and a valid CDL with the appropriate class and endorsement(s) to operate the vehicle(s) in which the CDL Skills Test is administered.
- (2) The driving tester must conduct the full CDL Skills Test in accordance with Department procedures and must use the Colorado CDL Skill Test Score Form.
- (3) The driving tester must complete all CDL Third Party Testing forms correctly.
- (4) The driving tester must administer all portions of the CDL Skills Test in English.
- (5) Interpreters are not allowed for any portion of the CDL Skills Test.
- (6) The driving tester agrees to hold the State harmless from any liability arising from or in connection with a CDL Skills Test.
- (7) The driving tester must only test if the driving tester has a valid tester license issued by the Department.
- (8) The driving tester must test in the CDL class of vehicle or endorsement(s) group authorized by the Department.

- (9) Prior to administering the CDL Skills Test, the driving tester must ensure that the driver has in his/her immediate possession, a valid USDOT medical card, and a valid CLP for operating the class and endorsement(s), and/or restriction(s) of the vehicle being used for testing.
- (a) The driving tester must ensure that the instruction permit has been held by the applicant for at least fourteen (14) days prior to taking the skills test.
- (b) The driving tester must also ensure the applicant has in his/her immediate possession a valid Driver's License and must compare the photo on the license to the applicant to verify identity.
- ~~(10) Prior to issuing a Colorado CDL Driving Skill Test Completion Form (DR2736), the driving tester must ensure that the applicant has in his/her immediate possession, a valid USDOT medical card, and a valid CLP for operating the class and endorsement(s) of vehicle being used for testing. The driving tester must also ensure the applicant has in his/her immediate possession a valid current Driver's License.~~
- (104) The driving tester must administer the CDL Skills Test to applicants in a vehicle equal to or lower in class and/or endorsement(s), and/or restriction(s) than the applicant has on his or her CLP.
- (112) The driving tester must administer the CDL Skills Test only on Department approved testing areas and routes.
- (123) The driving tester must administer all three portions of the CDL Skills Test during daylight ~~hours~~.
- (134) The driving tester must ensure that the vehicle in which the CDL Skills Test will be administered is in proper working and mechanical order.
- ~~(15) A driving tester removed from performing a safety sensitive function must not perform any functions under the CDL Third Party Testing Program.~~
- (146) The vehicle inspection, the basic vehicle control skills, and the on-road driving test must be administered by the same driving tester in sequential order with no more than a 15-minute break between each portion of the CDL Skills Test. CDL Skills Test must be scheduled to avoid a lunch break.
- (157) The Department may issue a driving tester license to a driving tester candidate upon the successful completion of the following requirements:
- a) A testing unit must submit an application requesting that the driving tester candidate be granted a driving tester license;
- b) The driving tester candidate must be an employee of the testing unit submitting the application;
- c) The driving tester candidate must successfully complete the 5 day new CDL third party tester's training course;
- d) Within 30 days following the date the driving tester candidate completes the 5 day new CDL third party tester's training course, the driving tester candidate must:
1. Administer two (2) drive tests while accompanied by a licensed driving tester who shall monitor the test and compare pass-fail results with those of the new driving tester candidate; and
2. Complete the application for the fingerprint/background check.
- e) All licensing fees must be received by the Department.
- ~~The driving tester must be employed by a licensed testing unit prior to attending a new CDL Third Party tester's training class.~~
- (168) The driving tester must inform the applicant that he/she may be randomly selected for a retest as mandated

by 49 CFR. ~~The driving tester must ensure that the applicant reads and signs the DR2736 (Colorado CDL Driving Skill Test Completion form).~~

- (179) The driving tester may administer CDL Skills Test as an employee of, and on behalf of, the licensed testing unit. The driving tester may administer tests for more than one unit. However the driving tester must be licensed under each unit to conduct testing on its behalf. The driving tester must keep all CDL records separate for each testing unit. ~~License fees must apply.~~

- (2018) If an applicant fails any portion(s) of the CDL Skills Test, he or she must return on a different day and perform all three (3) portions of the CDL Skills Test over again.

- (1924) In order to qualify for renewal, the driving tester must administer a minimum of ten (10) CDL Skills Tests with different applicants within the twelve-month period preceding the application for renewal from the Department.

- (202) The driving tester must:

a) Enter into CSTIMS all test results immediately after the completion of the test;

b) Ensure that the test results entered into CSTIMS match the Class, Endorsements, and Restrictions of vehicle in which the applicant has successfully completed the CDL Skills Test; and

c) Upload the correct score forms into CSTIMS.

~~The driving tester must only issue the Colorado CDL Skills Test Completion form (DR2736) for the class of vehicle in which the applicant has successfully completed the CDL Skills Test.~~

- (213) Upon leaving a testing unit, the driving tester's license may be transferred to another testing unit within three (3) months. If the ~~driver tester~~driving tester is not employed as a driving tester at a licensed testing unit within three (3) months, the tester will be required to attend a new tester training class in order to be licensed by the Department. All training and license fees will apply and are the responsibility of the tester.

- (224) The driving tester cannot administer the CDL Skills Test to an applicant with whom he/she has conducted in-vehicle skills training.

K. COURSE AND ROUTE REQUIREMENTS

- (1) A testing unit must have a paved area for the CDL vehicle inspection and the basic control skills exercises that contain; ~~is large enough to administer all of the required CDL basic control exercises.~~

- (a) Solid painted lines and traffic cones ~~must be used to marking~~ing the testing boundaries in accordance with Department standards.

- (i) Traffic cones used to mark the testing boundaries must be a minimum of twelve inches in height, and the same size traffic cones must be used for each exercise. Traffic cones must be replaced when they no longer retain their original shape and color.

- (b) Boundary lines and cones ~~must be~~ clearly visible in the basic control skill exercise testing area.

- (i) The testing area boundaries must be cleared of snow, debris, and vehicles that would obstruct the applicant's view during the basic control skill exercise~~vehicle control maneuvers.~~

- (ii) Testing on dirt, sand, or gravel is not allowed.

- (2e) The testing unit must request and receive approval from the Department for any change(s) to the approved road test route prior to administering a CDL road test.

L. RIGHTS

- (1) The driving tester or testing unit may refuse to test an applicant. The driving tester or testing unit contact person must notify the CDL Compliance Unit if an applicant is refused a test and must refer that driver to the CDL Compliance Unit.
- (2) Government driving testers who want to test outside of their governmental testing unit may make a written request to the CDL Compliance Unit, and must receive approval from the CDL Compliance Unit prior to administering CDL Skills Tests outside of their governmental testing unit.

M. RECORDING AND AUDITING REQUIREMENTS

- ~~(1) An applicant who has successfully completed the CDL Driving Skill Test must be issued the "Colorado CDL Driving Skill Test Completion" form (DR2736). The testing unit and/or driving tester must retain the carbon copy of this form and attach it to all of the applicant's score form(s) for the testing unit's records. This form is not authorization to the applicant to drive unsupervised.~~
- ~~(2) The CDL Compliance Unit must be notified in writing after an applicant fails the road test portion of the CDL Driving Skills Test. The testing unit or testers must fax or send electronically the failed road test (front and back) score form to the CDL Compliance Unit immediately upon failure.~~
- (13) The testing unit must maintain all pass/fail records for three years. These must include the CDL Skills Testing records for each applicant tested, the dates of the testing, the applicant's identification information, the vehicle information and the name and state assigned driving tester number for the driving tester who administered the test. If a testing unit is no longer licensed, the unit must return all testing records to the Department within 30 days.
 - (a) After three years, testing units may destroy all pass/fail records (shred, burn).
- (24) A testing unit must enter all (pass and fail) CDL Skills Test results into ~~the CSTIMS (Commercial Skills Test Information Management System)~~ within 24 hours of including the upload of the score form completion immediately after of the test.
- (35) During CDL compliance audits and/or inspections, driving testers must cooperate with the Department and/or FMCSA by allowing access to testing areas and routes, furnishing CDL Skills Testing records and results, and providing other items pertinent to the mandated audit and/or inspection. The driving tester must surrender testing records upon request. The driving tester may make copies and retain copies of such records.
- (46) If the testing unit provided the vehicle for the CDL Skills Test, the testing unit will furnish the vehicle for an applicant driver selected for a retest. No fees, including any vehicle rental fees required for testing, will be collected for this mandatory evaluation. The Department must is not ~~be held~~ liable during retests for any damage, injury, or expense incurred.
- (57) If the applicant tested in his/her own vehicle, the applicant will supply the vehicle for any CDL Skills Retest.

N. BOND

- (1) A testing unit that is not an agency of government, or a Colorado school district, must maintain a bond in the amount of \$20,000.00 with the Department pursuant 49 CFR. A surety company authorized to do business within the State of Colorado must execute the bond.
 - (a) ~~I.~~ The bond must be for the use and benefit of the Department in the event of a monetary loss suffered by the Department that falls within the limitations of the bond, attributable to the willful, intentional, or negligent conduct of the testing unit or its agent(s) or employee(s).

- (b) If the amount of the bond is decreased or terminated, or if there is a final judgment outstanding on the bond, the testing unit cannot test outside their unit.
 - (c) The Department must be named on the bond as the beneficiary or the bond must be held in the name of the Department.
- (2) A testing unit that is an agency of government, or any Colorado school district, that will administer CDL driving tests outside of their unit, must maintain a bond in the amount of \$5,000.00 with the Department. A surety company authorized to do business within the State of Colorado must execute the bond.
- (a) The bond must be for the use and benefit of the Department in the event of a monetary loss within the limitations of the bond, attributable to the willful, intentional or negligent conduct of the testing unit or its agent(s) or employee(s).
 - (b) If the amount of the bond is decreased or terminated, or if there is a final judgment outstanding on the bond, the testing unit cannot test outside their unit.
 - (c) The Department must be named on the bond as the beneficiary or the bond must be held in the name of the Department.

O. REVOCATION, CANCELLATION, OR SUSPENSION OF TESTING UNITS AND ~~I~~-TESTERS.

- (1) The license of a testing unit or driving tester may be suspended or revoked for willful or negligent actions that may include but are not limited to any of the following:
- (a) Misrepresentations on the application to be a testing unit or a driving tester;
 - (b) Improper testing and/or certification of an applicant driver who has applied for a CDL;
 - (c) Falsification of test documents or results;
 - (d) Violations of CDL rules for testing units or driving testers;
 - (e) Failure to employ a minimum of at least one licensed CDL driving tester;
 - (f) Failure to comply or cooperate in a CDL Compliance audit and record review;
 - (g) Violations of the contract terms and conditions;
 - (h) For any other violation of this rule or applicable state statute or federal regulation.
- (2) A testing unit or driving tester that is suspended must not perform any duties related to CDL Third Party Testing.
- (3) Summary Suspension: Where the Department has objective and reasonable grounds to believe and finds that a testing unit or driving tester has been guilty of a deliberate and willful violation or that the public health, safety, or welfare imperatively requires emergency action and incorporates the findings in its order, it may summarily suspend the license pending proceedings for suspension or revocation which will be promptly instituted and determined. Testing is not permitted while the license is suspended.
- (4) Appeal Process: Any person aggrieved by the denial of issuance, denial of renewal, suspension, or revocation of a testing unit license or driving tester license is entitled to a hearing pursuant to section 42-2-407(7), C.R.S. Except as otherwise provided in paragraph (3) of this subsection O, the request for hearing must be submitted in writing and appropriately labeled, such as "CDL Cease Testing Appeal," to the Department of Revenue, Hearings Division, 1881 Pierce Street, Room 106, Lakewood, Colorado, 80214. Subsequent appeal may be had as provided by law.
- (5) Material incorporated by reference in this rule does not include later amendments to or editions of the incorporated material. Copies of the material incorporated by reference may be obtained by contacting the Division of Motor Vehicles, Driver License Section of the Department of Revenue, 1881 Pierce Street, Room 128, Lakewood, Colorado, 80214, 303-205-5600, and copies of the materials may be examined at any state publication depository library.

Notice of Proposed Rulemaking

Tracking number

2017-00338

Department

700 - Department of Regulatory Agencies

Agency

725 - Division of Real Estate

CCR number

4 CCR 725-3

Rule title

MORTGAGE LOAN ORIGINATORS AND MORTGAGE COMPANIES

Rulemaking Hearing**Date**

09/20/2017

Time

09:00 AM

Location

1560 Broadway, Suite 110-D, Denver, CO 80202

Subjects and issues involved

CHAPTER 1: DEFINITIONS

Statutory authority

Part 9 of Title 12, Article 61, Colorado Revised Statutes, as amended.

Contact information**Name**

Martha Torres-Recinos

Title

Rulemaking Administrator

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**DEPARTMENT OF REGULATORY AGENCIES
DIVISION OF REAL ESTATE
MORTGAGE LOAN ORIGINATORS
4 CCR 725-3**

**NOTICE OF PROPOSED PERMANENT RULEMAKING HEARING
September 20, 2017**

CHAPTER 1: DEFINITIONS

Pursuant to and in compliance with Title 12, Article 61 and Title 24, Article 4, C.R.S., as amended, notice of proposed rulemaking is hereby given, including notice to the Attorney General of the State of Colorado and to all persons who have requested to be advised of the intention of the Colorado Board of Mortgage Loan Originators (the "Board") to promulgate rules, or to amend, repeal or repeal and re-enact the present rules of the Board.

STATEMENT OF BASIS

The statutory basis for the rules titled Rules Regarding Mortgage Loan Originators is Part 9 of Title 12, Article 61, Colorado Revised Statutes, as amended.

STATEMENT OF PURPOSE

The purpose of this rule is to effectuate the legislative directive to promulgate necessary and appropriate rules in conformity with the state statutes concerning Mortgage Loan Originators.

SPECIFIC PURPOSE OF THIS RULEMAKING

The purpose of this rule is to promulgate rules with respect to the licensing and exemption from licensing for Mortgage Loan Originators and to ensure that Mortgage Loan Originators are familiar with all current regulations.

Proposed New, Amended and Repealed Rules

[Deleted material is shown ~~struck through~~; new material is shown ALL CAPS.] Rules, or portions of rules, which are unaffected are reproduced. Readers are advised to obtain a copy of the complete rules of the Board at www.dora.colorado.gov/dre.

CHAPTER 1: DEFINITIONS

(DEFINITIONS THAT STATES THE DEFINED TERMS IN THIS SECTION ARE NOT NECESSARILY IN ALPHABETICAL ORDER.)

- 1.39 FAMILY MEMBER: A PERSON WHO IS RELATED BY BLOOD, MARRIAGE, CIVIL UNION, OR ADOPTION.

A hearing on the above subject matter will be held on Wednesday, September 20, 2017, at the Department of Regulatory Agencies, 1560 Broadway, Conference Room 110-D, Denver, Colorado 80202, beginning at 9:00 a.m.

Any interested person may participate in the rule making through submission of written data, views and arguments to the Division of Real Estate. Persons are requested to submit data, views and arguments to the Division of Real Estate in writing no less than ten (10) days prior to the hearing date and time set forth above. However, all data, views and arguments submitted prior to or at the rulemaking hearing or prior to the closure of the rulemaking record (if different from the date and time of hearing), shall be considered. Please be advised that the rule being considered is subject to further changes and modifications after public comment and formal hearing.

Notice of Proposed Rulemaking

Tracking number

2017-00347

Department

1000 - Department of Public Health and Environment

Agency

1002 - Water Quality Control Commission (1002 Series)

CCR number

5 CCR 1002-31

Rule title

REGULATION NO. 31 - THE BASIC STANDARDS AND METHODOLOGIES FOR
SURFACE WATER

Rulemaking Hearing**Date**

12/11/2017

Time

11:45 AM

Location

Sabin Conference Room, CDPHE, 4300 Cherry Creek Drive South, Denver, CO 80246

Subjects and issues involved

proposed correction of typos formatting and other non-substantive edits.

Statutory authority

sections 25-8-202(1)(a), (b), and (2); 25-8-203; 25-8-204; and 25-8-402, C.R.S.

Contact information**Name**

Blake Beyea

Title

Unit Manager

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COLORADO

Water Quality Control Commission

Department of Public Health & Environment

NOTICE OF PUBLIC RULEMAKING HEARING BEFORE THE COLORADO WATER QUALITY CONTROL COMMISSION

SUBJECT:

For consideration of the adoption of revisions to correct typos, formatting and other non-substantive edits, in the Basic Standards and Methodologies for Surface Water, Regulation #31 (5 CCR 1002-31), and in multiple segments of the Classifications and Numeric Standards for:

- Arkansas River Basin, Regulation #32 (5 CCR 1002-32);
- Rio Grande Basin, Regulation #36 (5 CCR 1002-36); and
- South Platte River Basin, Laramie River Basin, Republican River Basin, Smoky Hill River Basin, Regulation #38 (5 CCR 1002-38).

Revisions proposed by the Water Quality Control Division (division), along with proposed Statements of Basis, Specific Statutory Authority and Purpose, are attached to this notice as Exhibits 1 through 4.

In these attachments, proposed new language is shown with double-underlining and proposed deletions are shown with ~~strikeouts~~. Any alternative proposals related to the subject of this hearing will also be considered.

During the commission's consideration of whether to approve this notice of rulemaking, the commission determined that there is not a likelihood of significant controversy during the rulemaking process. Therefore, the commission has chosen to pursue an alternative rulemaking process consistent with section 24-4-103(4)(a) C.R.S.; and section 21.3(C)(5) of the Procedural Rules. It is the goal of the commission to complete this rulemaking without oral testimony.

SCHEDULE OF IMPORTANT DATES

Written comments due	11/29/2017 5 pm	Additional information below.
Rulemaking Hearing	12/11/2017 11:45 am	Florence Sabin Conference Room Department of Public Health and Environment 4300 Cherry Creek Drive South Denver, CO 80246

HEARING SUBMITTALS:

For this hearing, the commission will receive all submittals electronically. Submittals must be provided as PDF documents, except for raw data exhibits which may be provided as Excel workbooks. Submittals may be emailed to cdphe.wqcc@state.co.us, provided via an FTP site,

CD or flash drive, or otherwise conveyed to the commission office so as to be received no later than the specified date.

PARTY STATUS:

Pursuant to section 21.3(D) of the commission's Procedural Rules, there shall be no party status for this rulemaking proceeding.

WRITTEN COMMENTS:

The commission encourages input from interested members of the public. Written comments should be emailed to cdphe.wqcc@state.co.us by November 29, 2017.

SPECIFIC STATUTORY AUTHORITY:

The provisions of sections 25-8-202(1)(a), (b), and (2); 25-8-203; 25-8-204; and 25-8-402, C.R.S., provide the specific statutory authority for consideration of the regulatory amendments proposed by this notice. Should the commission adopt the regulatory language as proposed in this notice or alternative amendments, it will also adopt, in compliance with section 24-4-103(4) C.R.S., an appropriate Statement of Basis, Specific Statutory Authority, and Purpose.

Dated this 8th day of August, 2017 at Denver, Colorado.

WATER QUALITY CONTROL COMMISSION



Digitally signed by Trisha Oeth
DN: cn=Trisha Oeth, o, ou=Water
Quality Control Commission,
email=trisha.oeth@state.co.us, c=US
Date: 2017.08.08 08:21:49 -06'00'

Trisha Oeth, Administrator

EXHIBIT 1
WATER QUALITY CONTROL DIVISION

DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT

Water Quality Control Commission

REGULATION NO. 31 – THE BASIC STANDARDS AND METHODOLOGIES FOR SURFACE WATER

5 CCR 1002-31

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31.16 TABLES

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TABLE I – PHYSICAL AND BIOLOGICAL PARAMETERS

TABLE I PHYSICAL AND BIOLOGICAL PARAMETERS								
Parameter	Recreational			Aquatic Life			Agriculture	Domestic Water Supply
	CLASS E (Existing Primary Contact) and CLASS U (Undetermined Use)	CLASS P (Potential Primary Contact Use)	CLASS N (Not Primary Contact Use)	CLASS 1 COLD WATER BIOTA	CLASS 1 WARM WATER BIOTA	CLASS 2		
PHYSICAL								
...								
Temperature (°C) ⁽⁵⁾				Rivers & Streams: Tier I^{a,g}: June-Sept = 17.0 (ch), 21.7 (ac) Oct –May = 9.0 (ch), 13.0 (ac) Tier II^{b,g}: Apr-Oct = 18.3 (ch), 24.3 (ac) Nov-Mar = 9.0 (ch), 13.0 (ac) Lakes & Res^h: Apr-Dec = 17.0 (ch), 21.2 (ac) Jan-Mar = 9.0 (ch), 13.0 (ac) Large Lakes & Res^{c,h}: Apr-Dec = 18.3 (ch), 24.2 (ac) Jan-Mar = 9.0 (ch), 13.0 (ac)	Rivers & Streams: Tier I^d: Mar-Nov = 24.2 (ch), 29.0 (ac) Dec-Feb = 12.1 (ch), 24.6 (ac) Tier II^e: Mar-Nov = 27.5 (ch), 28.6 (ac) Dec-Feb = 13.8 (ch), 25.2 (ac) Tier III^f: Mar-Nov = 28.7 (ch), 31.8 (ac) Dec-Feb = 14.3 (ch), 24.9 (ac) Lakes & Res: Apr-Dec = 26.2 (ch), 29.3 (ac) Jan-Mar = 13.1 (ch), 24.1 (ac)	Same as Class 1		
...								
Note: Capital letters in parentheses refer to references listed in section 31.16(3); Numbers in parentheses refer to Table 1 footnotes.								
^a Cold Stream Tier I temperature criteria apply where cutthroat trout and brook trout are expected to occur. ^b Cold Stream Tier II temperature criteria apply where cold-water aquatic species, excluding cutthroat trout or brook trout, are expected to occur. ^c Large Cold Lakes temperature criteria apply to lakes and reservoirs with a surface area equal to or greater than 100 acres surface area. ^d Warm Stream Tier I temperature criteria apply where common shiner, johnny darter, or orangethroat darter, or stonecat are expected to occur. ^e Warm Stream Tier II temperature criteria apply where brook stickleback, central stoneroller, creek chub, finescale dace, longnose dace, mountain sucker, northern redbelly dace, razorback sucker, or white sucker are expected occur, and none of the more thermally sensitive species in Tier I are expected to occur. ^f Warm Stream Tier III temperature criteria apply where warm-water aquatic species are expected to occur, and none of the more thermally sensitive species in Tiers I and II are expected to occur. ^g Mountain whitefish-based summer temperature criteria [16.9 (ch), 21.2 (ac)] apply when and where spawning and sensitive early life stages of this species are known to occur. ^h Lake trout-based summer temperature criteria [16.6 (ch), 22.4 (ac)] apply where appropriate and necessary to protect lake trout from thermal impacts.								

31.56 STATEMENT OF BASIS SPECIFIC STATUTORY AUTHORITY AND PURPOSE; DECEMBER 11, 2017 RULEMAKING; FINAL ACTION DECEMBER 11, 2017; EFFECTIVE DATE JANUARY 31, 2018

The provisions of C.R.S. 25-8-202(1)(a), (b) and (2); 25-8-203; 25-8-204; and 25-8-402; provide the specific statutory authority for adoption of these regulatory amendments. The commission also adopted, in compliance with 24-4-103(4) C.R.S., the following statement of basis and purpose.

BASIS AND PURPOSE

In this hearing, the commission made a correction to Regulation No. 31. A typographical error has been identified that does not reflect the commission's intended decisions from a recent hearing.

When the temperature standards were updated in June 2015, a typo was introduced in Table I – Physical and Biological Parameters, Footnote e. The commission corrected the spelling of northern redbelly dace in the species list included in Footnote e.

EXHIBIT 2
WATER QUALITY CONTROL DIVISION

DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT

Water Quality Control Commission

REGULATION NO. 32 – CLASSIFICATIONS AND NUMERIC STANDARDS FOR ARKANSAS RIVER
BASIN

5 CCR 1002-32

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**32.59 STATEMENT OF BASIS SPECIFIC STATUTORY AUTHORITY AND PURPOSE; DECEMBER
11, 2017 RULEMAKING; FINAL ACTION DECEMBER 11, 2017; EFFECTIVE DATE JANUARY
31, 2018**

The provisions of C.R.S. 25-8-202(1)(a), (b) and (2); 25-8-203; 25-8-204; and 25-8-402; provide the specific statutory authority for adoption of these regulatory amendments. The commission also adopted, in compliance with 24-4-103(4) C.R.S., the following statement of basis and purpose.

BASIS AND PURPOSE

In this hearing, the commission made a correction to Regulation No. 32. A typographical error has been identified that does not reflect the commission's intended decisions from a past hearing.

The commission corrected the spelling of North Rush Creek, which is included in the description of Lower Arkansas Segment 9b.

**COLORADO DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT
WATER QUALITY CONTROL COMMISSION**

5 CCR 1002-32

**REGULATION NO. 32
CLASSIFICATIONS AND NUMERIC STANDARDS
FOR
ARKANSAS RIVER BASIN**

**APPENDIX 32-1
Stream Classifications and Water Quality Standards Tables**

Effective ~~06/30/2017~~ 01/31/2018

REGULATION #32 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

Lower Arkansas River Basin

9b. Mainstem of Apache Creek from the source to the confluence with the North Rusk ^h Creek. Mainstem of Breckenridge Creek from the source to the confluence with Horse Creek. Mainstem of Little Horse Creek from the source to the confluence with Horse Creek. Mainstem of Bob Creek from the source to Meredith Reservoir. Mainstem of Big Sandy Creek within Prowers County. Mainstem of Rule Creek from the Bent/Las Animas county line to John Martin Reservoir. Mainstem of Muddy Creek from the south boundary of the Setchfield State Wildlife Area to the confluence with Rule Creek. Mainstem of Caddoa Creek from CC Road to the confluence with the Arkansas River. Mainstem of Cat Creek from the source to the confluence with Clay Creek. Mainstem of Mustang Creek from the source to the confluence with Apishapa River. Mainstem of Chicosa Creek from the source to the Arkansas River. Mainstem of Smith Canyon from the Otero/Las Animas county line to the confluence with the Purgatoire River. Mainstem of Mud Creek from V Road to the confluence with the Arkansas River. Mainstems of Frijole Creek and Luning Arroyo from their sources to their confluences with the Purgatoire River. Mainstem of Blackwell Arroyo from its source to the confluence with Luning Arroyo. Mainstem of San Isidro Creek from the source to the confluence with San Francisco Creek.						
COARLA09B	Classifications	Physical and Biological			Metals (ug/L)	
Designation	Agriculture		DM	MWAT	acute	chronic
UP	Aq Life Warm 2	Temperature °C	WS-II	WS-II	Aluminum	---
	Recreation E		acute	chronic	Arsenic	340 0.02-10(T)
	Water Supply	D.O. (mg/L)	---	5.0	Beryllium	---
Qualifiers:		pH	6.5 - 9.0	---	Cadmium	TVS TVS
Other:		chlorophyll a (mg/m2)	---	150	Chromium III	50(T) TVS
		E. Coli (per 100 mL)	---	126	Chromium VI	TVS TVS
		Inorganic (mg/L)			Copper	TVS TVS
			acute	chronic	Iron	---
		Ammonia	TVS	TVS	Iron	---
		Boron	---	0.75	Lead	TVS TVS
		Chloride	---	250	Manganese	TVS TVS
		Chlorine	0.019	0.011	Manganese	---
		Cyanide	0.005	---	Mercury	---
		Nitrate	10	---	Molybdenum	---
		Nitrite	---	0.5	Nickel	TVS TVS
		Phosphorus	---	0.17	Selenium	TVS TVS
		Sulfate	---	WS	Silver	TVS TVS
		Sulfide	---	0.002	Uranium	---
					Zinc	TVS TVS

All metals are dissolved unless otherwise noted.
T = total recoverable
t = total
tr = trout

D.O. = dissolved oxygen
DM = daily maximum
MWAT = maximum weekly average temperature
See 32.6 for details on TVS, TVS(tr), WS, temperature standards.

EXHIBIT 3

WATER QUALITY CONTROL DIVISION

DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT

Water Quality Control Commission

REGULATION NO. 36 – CLASSIFICATIONS AND NUMERIC STANDARDS FOR RIO GRANDE BASIN

5 CCR 1002-36

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36.6 TABLES

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(4) Additional Site-Specific Criteria

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(c) Site-specific standards and temporary modifications for Rio Grande Segment 7:

Standards effective through 12/31/2018

Cadmium(acute/chronic)=TVS
Copper(acute/chronic)=TVS
Lead(acute/~~chromium~~chronic)=TVS
Manganese(acute/chronic)=TVS
Silver(acute)=TVS
Zinc(acute/chronic)=TVS

Tier 1 standards effective 1/1/2019 through 12/31/2020

West Willow

Cadmium(acute/chronic)=163 / 21 ug/L
Copper(acute/chronic)=227 / 8.9 ug/L
Lead(acute/~~chromium~~chronic)=1,014 / 104 ug/L
Manganese(acute/chronic)=TVS
Silver(acute)=1.3 ug/L
Zinc(acute/chronic)=24,000 / 5,977 ug/L

Windy Gulch

Cadmium(acute/chronic)=9.1 / 6.3 ug/L
Copper(acute/chronic)=TVS / 5.8 ug/L
Lead(acute/~~chromium~~chronic)=TVS
Manganese(acute/chronic)=TVS
Silver(acute)=TVS
Zinc(acute/chronic)=2,804 / 1,914 ug/L

Willow mainstem

Low flow (August-March):

Cadmium(acute/chronic)=17.5 / 15.4 ug/L
Copper(acute/chronic)=TVS
Lead(acute/~~chromium~~chronic)=TVS / 30 ug/L
Manganese(acute/chronic)=TVS
Silver(acute)=TVS
Zinc(acute/chronic)=4,541 / 3,917 ug/L

High flow (April-July):

Cadmium(acute/chronic)=15.6 / 10.3 ug/L
Copper(acute/chronic)=TVS
Lead(acute/~~chromium~~chronic)=TVS / 22 ug/L
Manganese(acute/chronic)=TVS
Silver(acute)=TVS
Zinc(acute/chronic)=4,190 / 3,009 ug/L

Tier 2 standards effective from 1/1/2021

West Willow

Low flow (August-March):

Cadmium(acute/chronic)=67 / 50 ug/L
Copper(acute/chronic)=17.6 / 15.0 ug/L
Lead(acute/~~chromium~~chronic)=268 / 183 ug/L
Manganese(acute/chronic)=TVS / 1,779 ug/L
Silver(acute)=TVS
Zinc(acute/chronic)=11,873 / 11,022 ug/L

High flow (April-July):

Cadmium(acute/chronic)=32 / 19.2 ug/L
Copper(acute/chronic)=15.0 / 9.4 ug/L
Lead(acute/~~chromium~~chronic)=103 / 47 ug/L
Manganese(acute/chronic)=TVS
Silver(acute)=TVS
Zinc(acute/chronic)=8,772 / 5,611 ug/L

Windy Gulch

Cadmium(acute/chronic)=9.1 / 6.3 ug/L
Copper(acute/chronic)=TVS / 5.8 ug/L
Lead(acute/~~chromium~~chronic)=TVS
Manganese(acute/chronic)=TVS
Silver(acute)=TVS
Zinc(acute/chronic)=2,804 / 1,914 ug/L

Willow mainstem

Low flow (August-March):

Cadmium(acute/chronic)=13.9 / 11.2 ug/L
Copper(acute/chronic)=TVS
Lead(acute/~~chromium~~chronic)=TVS / 18.6 ug/L
Manganese(acute/chronic)=TVS
Silver(acute)=TVS
Zinc(acute/chronic)=2,521 / 1,733 ug/L

High flow (April-July):
Cadmium(acute/chronic)=14.5 / 8.9 ug/L
Copper(acute/chronic)=TVS
Lead(acute/~~chromium~~chronic)=TVS / 13.1 ug/L
Manganese(acute/chronic)=TVS
Silver(acute)=TVS
Zinc(acute/chronic)=3,635 / 2,373 ug/L

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36.40 STATEMENT OF BASIS SPECIFIC STATUTORY AUTHORITY AND PURPOSE; DECEMBER 11, 2017 RULEMAKING; FINAL ACTION DECEMBER 11, 2017; EFFECTIVE DATE JANUARY 31, 2018

The provisions of C.R.S. 25-8-202(1)(a), (b) and (2); 25-8-203; 25-8-204; and 25-8-402; provide the specific statutory authority for adoption of these regulatory amendments. The commission also adopted, in compliance with 24-4-103(4) C.R.S., the following statement of basis and purpose.

BASIS AND PURPOSE

In this hearing, the commission made corrections to Regulation No. 36. Several errors have been identified which do not reflect the commission's intended decisions from recent hearings.

A. Section 36.6(4)(c)

The commission corrected a series of typos in Section 36.6(4)(c). Several of the lead values were erroneously written "acute/chromium"; the commission replaced the word "chromium" with the word "chronic".

B. Alamosa Segment 28

The commission made corrections to the description of Alamosa Segment 28. A typo was corrected and Alamosa Segment 30 was added as an exception.

C. Alamosa Segment 29

The commission made a correction to the description of Alamosa Segment 29. Alamosa Segment 8 was added as an exception.

D. Closed Basin Segment 3

The commission made a correction to the description of Closed Basin Segment 3. Closed Basin Segment 1 was added as an exception.

E. Closed Basin Segment 9a

The commission made corrections to the description of Closed Basin Segment 9a. The extra "tributaries and wetlands" was removed. In addition, the description of the start of the segment was corrected to "a point immediately above the Cocomongo Mill site" instead of "the source".

**COLORADO DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT
WATER QUALITY CONTROL COMMISSION**

5 CCR 1002-36

**REGULATION NO. 36
CLASSIFICATIONS AND NUMERIC STANDARDS
FOR
RIO GRANDE BASIN**

**APPENDIX 36-1
Stream Classifications and Water Quality Standards Tables**

Effective ~~06/30/2017~~ 01/31/2018

REGULATION #36 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

Alamosa River/La Jara Creek/Conejos River Basins

28. All lakes and reservoir tributary to the Alamosa River, La Jara Creek, or Conejos River, and within the boundaries of the Rio Grande National Forest, excluding the specific listings in segments 23 through 27, <u>and 30</u> .						
CORGAL28	Classifications	Physical and Biological		Metals (ug/L)		
Designation	Agriculture	DM	MWAT	acute	chronic	
Reviewable	Aq Life Cold 1	Temperature °C	CL	CL	Aluminum	---
	Recreation E	acute	chronic	Arsenic	340	0.02(T)
	Water Supply	D.O. (mg/L)	---	6.0	Beryllium	---
Qualifiers:		D.O. (spawning)	---	7.0	Cadmium	TVS(tr)
Other:		pH	6.5 - 9.0	---	Chromium III	50(T)
*chlorophyll a (ug/L)(chronic) = applies only to lakes and reservoirs larger than 25 acres surface area. *Phosphorus(chronic) = applies only to lakes and reservoirs larger than 25 acres surface area.		chlorophyll a (ug/L)	---	8*	Chromium VI	TVS
		E. Coli (per 100 mL)	---	126	Copper	TVS
		Inorganic (mg/L)		Iron	---	WS
		acute	chronic	Iron	---	1000(T)
		Ammonia	TVS	TVS	Lead	TVS
		Boron	---	0.75	Manganese	TVS
		Chloride	---	250	Manganese	---
		Chlorine	0.019	0.011	Mercury	---
		Cyanide	0.005	---	Molybdenum	---
		Nitrate	10	---	Nickel	TVS
		Nitrite	---	0.05	Selenium	TVS
		Phosphorus	---	0.025*	Silver	TVS
		Sulfate	---	WS	Uranium	---
		Sulfide	---	0.002	Zinc	TVS
29. All lakes and reservoirs tributary to the Alamosa River, La Jara Creek, or Conejos River, excluding the specific listings in segments <u>8</u> , 23 through 28, and 30.						
CORGAL29	Classifications	Physical and Biological		Metals (ug/L)		
Designation	Agriculture	DM	MWAT	acute	chronic	
UP	Aq Life Warm 2	Temperature °C	WL	WL	Aluminum	---
	Recreation E	acute	chronic	Arsenic	340	100(T)
Qualifiers:		D.O. (mg/L)	---	5.0	Beryllium	---
Other:		pH	6.5 - 9.0	---	Cadmium	TVS(tr)
*chlorophyll a (ug/L)(chronic) = applies only to lakes and reservoirs larger than 25 acres surface area. *Phosphorus(chronic) = applies only to lakes and reservoirs larger than 25 acres surface area.		chlorophyll a (ug/L)	---	20*	Chromium III	TVS
		E. Coli (per 100 mL)	---	126	Chromium III	---
		Inorganic (mg/L)		Chromium VI	TVS	TVS
		acute	chronic	Copper	TVS	TVS
		Ammonia	TVS	TVS	Iron	---
		Boron	---	0.75	Lead	TVS
		Chloride	---	---	Manganese	TVS
		Chlorine	0.019	0.011	Mercury	---
		Cyanide	0.005	---	Molybdenum	---
		Nitrate	100	---	Nickel	TVS
		Nitrite	---	0.05	Selenium	TVS
		Phosphorus	---	0.083*	Silver	TVS
		Sulfate	---	---	Uranium	---
		Sulfide	---	0.002	Zinc	TVS

All metals are dissolved unless otherwise noted.
 T = total recoverable
 t = total
 tr = trout

D.O. = dissolved oxygen
 DM = daily maximum
 MWAT = maximum weekly average temperature
 See 36.6 for details on TVS, TVS(tr), WS, temperature standards.

REGULATION #36 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

Closed Basin-San Luis Valley River Basin

3. All tributaries to the Closed Basin excluding the listings in segments 1, 2a, 2b, 2c, and 4 through 13.

CORGC03	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture		DM	MWAT		acute	chronic
Reviewable	Aq Life Warm 1	Temperature °C	WS-II	WS-II	Aluminum	---	---
	Recreation E		acute	chronic	Arsenic	340	0.02(T)
	Water Supply	D.O. (mg/L)	---	5.0	Beryllium	---	---
Qualifiers:		pH	6.5 - 9.0	---	Cadmium	TVS	TVS
Other: Temporary Modification(s): Arsenic(chronic) = hybrid Expiration Date of 12/31/2021 *chlorophyll a (mg/m2)(chronic) = applies only above the facilities listed at 36.5(4). *Phosphorus(chronic) = applies only above the facilities listed at 36.5(4).		chlorophyll a (mg/m2)	---	150*	Chromium III	50(T)	TVS
		E. Coli (per 100 mL)	---	126	Chromium VI	TVS	TVS
		Inorganic (mg/L)			Copper	TVS	TVS
			acute	chronic	Iron	---	WS
		Ammonia	TVS	TVS	Iron	---	1000(T)
		Boron	---	0.75	Lead	TVS	TVS
		Chloride	---	250	Manganese	TVS	TVS
		Chlorine	0.019	0.011	Manganese	---	WS
		Cyanide	0.005	---	Mercury	---	0.01(t)
		Nitrate	10	---	Molybdenum	---	160(T)
		Nitrite	---	0.05	Nickel	TVS	TVS
		Phosphorus	---	0.17*	Selenium	TVS	TVS
		Sulfate	---	WS	Silver	TVS	TVS
		Sulfide	---	0.002	Uranium	---	---
					Zinc	TVS	TVS

9a. Mainstem, ~~tributaries and wetlands~~ of Kerber Creek, including all tributaries and wetlands, from a point immediately above the Cocomongo Mill site the source to immediately above the confluence of Brewery Creek, excluding the specific listings in segment 8.

CORGCB09A	Classifications	Physical and Biological		Metals (ug/L)	
Designation	Agriculture	DM	MWAT	acute	chronic
UP	Recreation E			Aluminum	---
	Water Supply	acute	chronic	Arsenic	340 0.02-10(T) ^A
Qualifiers:	D.O. (mg/L)	---	3.0	Beryllium	---
Goal Qualifier for Agriculture and Water Supply	pH	6.5 - 9.0	---	Cadmium	5.0(T) ---
Other:	chlorophyll a (mg/m2)	---	150	Chromium III	50(T) ---
	E. Coli (per 100 mL)	---	126	Chromium VI	50(T) ---
	Inorganic (mg/L)			Copper	---
		acute	chronic	Iron	---
	Ammonia	---	---	Lead	50(T) ---
	Boron	---	0.75	Manganese	---
	Chloride	---	250	Mercury	---
	Chlorine	---	---	Molybdenum	---
	Cyanide	---	---	Nickel	---
	Nitrate	10	---	Selenium	---
	Nitrite	---	1.0	Silver	---
	Phosphorus	---	---	Uranium	---
	Sulfate	---	WS	Zinc	---
	Sulfide	---	0.002		

All metals are dissolved unless otherwise noted.
T = total recoverable
t = total
tr = trout

D.O. = dissolved oxygen
DM = daily maximum
MWAT = maximum weekly average temperature
See 36.6 for details on TVS, TVS(tr), WS, temperature standards.

EXHIBIT 4

WATER QUALITY CONTROL DIVISION

DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT

Water Quality Control Commission

REGULATION NO. 38 – CLASSIFICATIONS AND NUMERIC STANDARDS FOR SOUTH PLATTE RIVER BASIN, LARAMIE RIVER BASIN, REPUBLICAN RIVER BASIN, SMOKY HILL RIVER BASIN

5 CCR 1002-38

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38.96 STATEMENT OF BASIS SPECIFIC STATUTORY AUTHORITY AND PURPOSE; DECEMBER 11, 2017 RULEMAKING; FINAL ACTION DECEMBER 11, 2017; EFFECTIVE DATE JANUARY 31, 2018

The provisions of C.R.S. 25-8-202(1)(a), (b) and (2); 25-8-203; 25-8-204; and 25-8-402; provide the specific statutory authority for adoption of these regulatory amendments. The commission also adopted, in compliance with 24-4-103(4) C.R.S., the following statement of basis and purpose.

BASIS AND PURPOSE

In this hearing, the commission made corrections to Regulation No. 38. Several errors have been identified which do not reflect the commission's intended decisions from recent hearings.

A. South Platte Segment 16i

The commission made corrections to the standards applied to Upper South Platte Segment 16i. This segment currently has Agriculture, Aquatic Life Warm 2, and Recreation E uses, and a Fish Ingestion Standards qualifier. However, several Water Supply standards (cadmium, chromium III, lead, and nickel) were erroneously assigned to this segment. Because this segment does not have a Water Supply use, the commission deleted the Water Supply-based standards for cadmium, chromium III, lead, and nickel, and retained the standards to protect Aquatic Life and Agriculture uses. The commission also corrected the chronic arsenic standard. Because this segment has a Fish Ingestion Standards qualifier, the commission replaced the existing Agriculture-based chronic arsenic standard of 100(T) µg/L with the Fish Ingestion-based chronic standard of 7.6(T) µg/L.

B. South Platte Segment 22a

The commission made a correction to the qualifiers on Upper South Platte Segment 22a. The commission replaced the "Fish Ingestion Standards" qualifier with the "Water + Fish Standards" qualifier because this segment has a Water Supply use.

C. Clear Creek Segment 3b

The commission made a correction to the standards applied to Clear Creek Segment 3b. The acute arsenic standard of 50(T) µg/L was intended to be deleted during the 2015 Regulation No. 38 hearing, but

was erroneously retained. The commission deleted the acute arsenic standard of 50(T) µg/L and retained the arsenic standards to protect the Aquatic Life and Water Supply uses.

D. Clear Creek Segments 6 and 21

The commission made a correction to the description of Clear Creek Segment 6. This segment included an exception for Segment 7; this was replaced with Segment 7a.

The commission made a correction to the description of Clear Creek Segment 21. This segment included an exception for Segment 7; this was replaced with Segment 7b.

**COLORADO DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT
WATER QUALITY CONTROL COMMISSION**

5 CCR 1002-38

**REGULATION NO. 38
CLASSIFICATIONS AND NUMERIC STANDARDS
FOR
SOUTH PLATTE RIVER BASIN, LARAMIE RIVER BASIN
REPUBLICAN RIVER BASIN, SMOKY HILL RIVER BASIN**

**APPENDIX 38-1
Stream Classifications and Water Quality Standards Tables**

Effective ~~06/30/2017~~ 01/31/2018

REGULATION #38 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

Upper South Platte River Basin

16i. Mainstem of Sand Creek from the confluence with Toll Gate Creek to the confluence with the South Platte River.						
COSPUS16i	Classifications	Physical and Biological			Metals (ug/L)	
Designation	Agriculture	DM		MWAT	acute	chronic
Reviewable	Aq Life Warm 2	WS-II		WS-II	Aluminum	---
	Recreation E	acute		chronic	Arsenic	340 7.6400(T)
Qualifiers:		D.O. (mg/L)		5.0	Beryllium	---
Fish Ingestion Standards		pH		6.5 - 9.0	Cadmium	TVS
Other:		chlorophyll a (mg/m ²)		150*	Cadmium	5.0(T) ---
*chlorophyll a (mg/m ²)(chronic) = applies only above the facilities listed at 38.5(4). *Phosphorus(chronic) = applies only above the facilities listed at 38.5(4). *Mercury(chronic) = 0.026 below Brighton Blvd, see section 38.6(4)(f) for mercury assessment locations *Selenium(acute) = See section 38.6(4)(f) for selenium standards and assessment locations. *Selenium(chronic) = See section 38.6(4)(f) for selenium standards and assessment locations. Discharger Specific Variance(s): Selenium (acute) = TVS; no limit Selenium (chronic) = 9: 24 µg/L Expiration Date of 12/31/2023 Variance: Selenium = see 38.6(6) for details.		E. Coli (per 100 mL)		126	Chromium III	10050(T) TVS
		Inorganic (mg/L)			Chromium VI	TVS
		acute		chronic	Copper	TVS
		Ammonia		TVS	Iron	---
		Boron		0.75	Lead	TVS
		Chloride		---	Lead	50(T) ---
		Chlorine		0.019	Manganese	TVS
		Cyanide		0.005	Mercury	---
		Nitrate		10	Mercury	0.01(t)
		Nitrite		0.5	Molybdenum	---
		Phosphorus		0.17*	Nickel	TVS
		Sulfate		---	Nickel	--- 100(T)
		Sulfide		0.002	Selenium	---
					Selenium	varies*
					Silver	TVS
					Uranium	---
					Zinc	TVS

All metals are dissolved unless otherwise noted.
 T = total recoverable
 t = total
 tr = trout

D.O. = dissolved oxygen
 DM = daily maximum
 MWAT = maximum weekly average temperature
 See 38.6 for details on TVS, TVS(tr), WS, temperature standards.

REGULATION #38 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

Upper South Platte River Basin

22a. Lakes and reservoirs in watersheds tributary to the South Platte River from the outlet of Chatfield Reservoir to a point immediately below the confluence with Big Dry Creek, except for specific listings in the subbasins of the South Platte River, and in Segments 16b, 17a, 17b, 17c, 22b, and 23.						
COSPUS22A	Classifications	Physical and Biological			Metals (ug/L)	
Designation		DM	MWAT		acute	chronic
Reviewable	Agriculture					
	Aq Life Warm 2	Temperature °C	WL	WL	Aluminum	---
	Recreation E		acute	chronic	Arsenic	340
	Water Supply	D.O. (mg/L)	---	5.0	Beryllium	---
	DUWS*	pH	6.5 - 9.0	---	Cadmium	TVS
Qualifiers:		chlorophyll a (ug/L)	---	---	Cadmium	5.0(T)
Water + Fish Ingestion Standards		E. Coli (per 100 mL)	---	126	Chromium III	50(T)
Other:		Inorganic (mg/L)		Chromium VI	TVS	TVS
Temporary Modification(s):			acute	chronic	Copper	TVS
Arsenic(chronic) = hybrid		Ammonia	TVS	TVS	Iron	---
Expiration Date of 12/31/2021		Boron	---	0.75	Iron	1000(T)
*Classification: DUWS applies to McLellan and Quincy only.		Chloride	---	250	Lead	TVS
*Molybdenum(chronic) = 210 ug/L for McLellan Reservoir		Chlorine	0.019	0.011	Lead	50(T)
		Cyanide	0.005	---	Manganese	TVS
		Nitrate	10	---	Manganese	---
		Nitrite	---	0.5	Mercury	---
		Phosphorus	---	---	Molybdenum	---
		Sulfate	---	WS	Molybdenum	210(T)*
		Sulfide	---	0.002	Nickel	TVS
					Nickel	---
					Selenium	TVS
					Silver	TVS
					Uranium	---
					Zinc	TVS

All metals are dissolved unless otherwise noted.
T = total recoverable
t = total
tr = trout

D.O. = dissolved oxygen
DM = daily maximum
MWAT = maximum weekly average temperature
See 38.6 for details on TVS, TVS(tr), WS, temperature standards.

REGULATION #38 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

Clear Creek Basin

3b. Mainstem of Leavenworth Creek from source to confluence with South Clear Creek.

COSPCL03B	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture	DM		MWAT	acute		chronic
Reviewable*	Aq Life Cold 2	Temperature °C	CS-I	CS-I	Aluminum	---	---
	Recreation E	acute		chronic	Arsenic	340	0.02-10(T) ^A
	Water Supply	D.O. (mg/L)	---	6.0	Arsenic	50(T)	---
Qualifiers:		D.O. (spawning)	---	7.0	Beryllium	---	---
Other: *Designation: 9/30/00 Baseline does not apply *Zinc(acute) = 0.978e^(0.8537[ln(hardness)]+1.9467) *Zinc(chronic) = 0.986e^(0.8537[ln(hardness)]+1.8032)		pH	6.5 - 9.0	---	Cadmium	TVS(tr)	TVS
		chlorophyll a (mg/m2)	---	150	Cadmium	5.0(T)	---
		E. Coli (per 100 mL)	---	126	Chromium III	50(T)	TVS
					Chromium VI	TVS	TVS
		Inorganic (mg/L)			Copper	TVS	TVS
		acute		chronic	Iron	---	WS
		Ammonia	TVS	TVS	Iron	---	1000(T)
		Boron	---	0.75	Lead	TVS	TVS
		Chloride	---	250	Lead	50(T)	---
		Chlorine	0.019	0.011	Manganese	TVS	TVS
		Cyanide	0.005	---	Manganese	---	WS
		Nitrate	10	---	Mercury	---	0.01(t)
		Nitrite	---	0.05	Molybdenum	---	150(T)
		Phosphorus	---	0.11	Nickel	TVS	TVS
		Sulfate	---	WS	Nickel	---	100(T)
		Sulfide	---	0.002	Selenium	TVS	TVS
					Silver	TVS	TVS(tr)
					Uranium	---	---
					Zinc	---	SSE*
					Zinc	SSE*	---

6. All tributaries to West Fork Clear Creek, including all wetlands, from the source to the confluence with Clear Creek, except for specific listings in Segments 7a and 8.

COSPCL06	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture		DM	MWAT		acute	chronic
Reviewable*	Aq Life Cold 1	Temperature °C	CS-I	CS-I	Aluminum	---	---
	Recreation E		acute	chronic	Arsenic	340	0.02(T)
	Water Supply	D.O. (mg/L)	---	6.0	Beryllium	---	---
Qualifiers:		D.O. (spawning)	---	7.0	Cadmium	TVS(tr)	TVS
Other: Temporary Modification(s): Arsenic(chronic) = hybrid Expiration Date of 12/31/2021 *Designation: 9/30/00 Baseline does not apply		pH	6.5 - 9.0	---	Cadmium	5.0(T)	---
		chlorophyll a (mg/m2)	---	150	Chromium III	50(T)	TVS
		E. Coli (per 100 mL)	---	126	Chromium VI	TVS	TVS
					Copper	TVS	TVS
			Inorganic (mg/L)		Iron	---	WS
					Iron	---	1000(T)
		Ammonia	TVS	TVS	Lead	TVS	TVS
		Boron	---	0.75	Lead	50(T)	---
		Chloride	---	250	Manganese	TVS	TVS
		Chlorine	0.019	0.011	Manganese	---	WS
		Cyanide	0.005	---	Mercury	---	0.01(t)
		Nitrate	10	---	Molybdenum	---	150(T)
		Nitrite	---	0.05	Nickel	TVS	TVS
		Phosphorus	---	0.11	Nickel	---	100(T)
		Sulfate	---	WS	Selenium	TVS	TVS
		Sulfide	---	0.002	Silver	TVS	TVS(tr)
					Uranium	---	---
			Zinc	TVS	TVS		

All metals are dissolved unless otherwise noted.
T = total recoverable
t = total
tr = trout

D.O. = dissolved oxygen
DM = daily maximum
MWAT = maximum weekly average temperature
See 38.6 for details on TVS, TVS(tr), WS, temperature standards.

REGULATION #38 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

Clear Creek Basin

21. Lakes and reservoirs in the Clear Creek system from sources to the Farmer's Highline Canal diversion in Golden, CO, except as specified in Segments 7**b**, 20, 22 and 25. Upper Long Lake.

COSPCL21	Classifications	Physical and Biological		Metals (ug/L)				
Designation	Agriculture	DM	MWAT	acute	chronic			
Reviewable*	Aq Life Cold 1	Temperature °C	CL CL	Aluminum	---	---		
	Recreation E	acute	chronic	Arsenic	340	0.02(T)		
	Water Supply	D.O. (mg/L)	---	6.0	Beryllium	---	---	
Qualifiers:		D.O. (spawning)	---	7.0	Cadmium	TVS(tr)	TVS	
Other: Temporary Modification(s): Arsenic(chronic) = hybrid Expiration Date of 12/31/2021 *chlorophyll a (ug/L)(chronic) = applies only to lakes and reservoirs larger than 25 acres surface area. *Designation: 9/30/00 Baseline does not apply *Phosphorus(chronic) = applies only to lakes and reservoirs larger than 25 acres surface area.		pH	6.5 - 9.0	---	Cadmium	5.0(T)	---	
		chlorophyll a (ug/L)	---	8*	Chromium III	50(T)	TVS	
		E. Coli (per 100 mL)	---	126	Chromium VI	TVS	TVS	
				Copper	TVS	TVS		
		Inorganic (mg/L)		Iron	---	WS		
				acute	chronic	Iron	---	1000(T)
		Ammonia	TVS	TVS	Lead	TVS	TVS	
		Boron	---	0.75	Lead	50(T)	---	
		Chloride	---	250	Manganese	TVS	TVS	
		Chlorine	0.019	0.011	Manganese	---	WS	
		Cyanide	0.005	---	Mercury	---	0.01(t)	
		Nitrate	10	---	Molybdenum	---	150(T)	
		Nitrite	---	0.05	Nickel	TVS	TVS	
		Phosphorus	---	0.025*	Nickel	---	100(T)	
		Sulfate	---	WS	Selenium	TVS	TVS	
Sulfide	---	0.002	Silver	TVS	TVS(tr)			
		Uranium	---	---				
		Zinc	TVS	TVS				

All metals are dissolved unless otherwise noted.
T = total recoverable
t = total
tr = trout

D.O. = dissolved oxygen
DM = daily maximum
MWAT = maximum weekly average temperature
See 38.6 for details on TVS, TVS(tr), WS, temperature standards.

Notice of Proposed Rulemaking

Tracking number

2017-00356

Department

1000 - Department of Public Health and Environment

Agency

1002 - Water Quality Control Commission (1002 Series)

CCR number

5 CCR 1002-31

Rule title

REGULATION NO. 31 - THE BASIC STANDARDS AND METHODOLOGIES FOR
SURFACE WATER

Rulemaking Hearing**Date**

12/12/2017

Time

10:00 AM

Location

Sabin Conference Room, CDPHE, 4300 Cherry Creek Drive South, Denver, CO 80246

Subjects and issues involved

Proposed revisions to the molybdenum standards in the Basic Standards and Methodologies for Surface Water, Regulation #31 (5 CCR 1002-31), and resolution of the molybdenum temporary modification on Segment 14 of the Blue River in the Classifications and Numeric Standards for for Upper Colorado River Basin and North Platte River (Planning Region 12), Regulation #33 (5 CCR 1002-33)

Statutory authority

sections 25-8-202(1)(a), (b), and (2); 25-8-203; 25-8-204; and 25-8-402, C.R.S.

Contact information**Name**

Blake Beyea

Title

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COLORADO

Water Quality Control Commission

Department of Public Health & Environment

NOTICE OF PUBLIC RULEMAKING HEARING BEFORE THE COLORADO WATER QUALITY CONTROL COMMISSION

SUBJECT:

For consideration of the adoption of revisions to the molybdenum standards in the Basic Standards and Methodologies for Surface Water, Regulation #31 (5 CCR 1002-31), and resolution of the molybdenum temporary modification on Segment 14 of the Blue River in the Classifications and Numeric Standards for for Upper Colorado River Basin and North Platte River (Planning Region 12), Regulation #33 (5 CCR 1002-33). Revisions proposed by Climax Molybdenum Company, along with a proposed Statement of Basis, Statutory Authority and Purpose are attached to this notice as Exhibits 1 and 2.

In these attachments, proposed new language is shown with double-underlining and proposed deletions are shown with ~~strikeouts~~. Any alternative proposals related to the subject of this hearing will also be considered.

SCHEDULE OF IMPORTANT DATES

Proponent's prehearing statement due	09/27/2017 5 pm	Additional information below.
Party status requests due	10/04/2017 5 pm	Additional information below.
Responsive prehearing statements due	10/27/2017 5 pm	Additional information below.
Rebuttal statements due	11/22/2017 5 pm	Additional information below.
Last date for submittal of motions	11/27/2017 5 pm	Additional information below.
Notify commission office if participating in prehearing conference by phone	11/27/2017 by noon	Send email to cdphe.wqcc@state.co.us with participant(s) name(s)
Prehearing Conference (mandatory for parties)	11/29/2017 1:00 pm	Snow Conference Room Department of Public Health and Environment 4300 Cherry Creek Drive South Denver, CO 80246 Call-in: 1-857-216-6700, Code: 425132
Rulemaking Hearing	12/12/2017 10:00 am	Florence Sabin Conference Room Department of Public Health and Environment 4300 Cherry Creek Drive South Denver, CO 80246

HEARING SUBMITTALS:

For this hearing, the commission will receive all submittals electronically. Submittals must be provided as PDF documents, except for raw data exhibits which may be provided as Excel workbooks. Submittals may be emailed to cdphe.wgcc@state.co.us, provided via an FTP site, CD or flash drive, or otherwise conveyed to the commission office so as to be received no later than the specified date.

PARTY STATUS:

Party status requests must be in writing and must provide:

- the organization's name,
- one contact person,
- a mailing address,
- a phone number, and
- email addresses of all individuals associated with the party who wish to be notified when new submittals are available on the commission's website for review.

In accordance with section 25-8-104(2)(d), C.R.S., any person who believes that the actions proposed in this notice have the potential to cause material injury to his or her water rights is requested to so indicate, along with an explanation of the alleged harm, in their party status request.

PREHEARING AND REBUTTAL STATEMENTS:

Each party must submit a prehearing statement: parties that have proposed revisions attached as exhibits to the notice must submit a proponent's prehearing statement. All other parties must submit a responsive prehearing statement. Proponents may also submit responsive prehearing statements when there are multiple proposals attached to the notice.

Each prehearing and rebuttal statement must be provided as a separate PDF document from any accompanying written testimony or exhibits.

Following the rebuttal statement due date, no other written materials will be accepted from parties except for good cause shown.

Oral testimony at the hearing should primarily summarize written material previously submitted. The hearing will emphasize commission questioning of parties and other interested persons about their written prehearing submittals. Introduction of written material at the hearing by those with party status will not be permitted unless authorized by the commission.

PREHEARING CONFERENCE:

Attendance at the prehearing conference is mandatory for all persons requesting party status. Parties needing to participate by telephone are encouraged to notify the commission office prior to the prehearing conference. Remote participants can call 1-857-216-6700 and enter the conference code 425132.

Following the cut-off date for motions, no motions will be accepted, except for good cause shown.

PUBLIC PARTICIPATION ENCOURAGED:

The commission encourages input from non-parties, either orally at the hearing or in writing prior to the hearing. Written submissions should be emailed to cdphe.wqcc@state.co.us by November 29, 2017.

SPECIFIC STATUTORY AUTHORITY:

The provisions of sections 25-8-202(1)(a), (b), and (2); 25-8-203; 25-8-204; and 25-8-402, C.R.S., provide the specific statutory authority for consideration of the regulatory amendments proposed by this notice. Should the commission adopt the regulatory language as proposed in this notice or alternative amendments, it will also adopt, in compliance with section 24-4-103(4) C.R.S., an appropriate Statement of Basis, Specific Statutory Authority, and Purpose.

Dated this 9th day of August, 2017 at Denver, Colorado.

WATER QUALITY CONTROL COMMISSION



Digitally signed by Trisha Oeth
DN: cn=Trisha Oeth, o, ou=Water
Quality Control Commission,
email=trisha.oeth@state.co.us, c=US
Date: 2017.08.09 07:42:49 -06'00'

Trisha Oeth, Administrator

EXHIBIT 1
CLIMAX MOLYBDENUM COMPANY

COLORADO DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT

Water Quality Control Commission

REGULATION NO. 31 - THE BASIC STANDARDS AND METHODOLOGIES FOR SURFACE WATER

5 CCR 1002-31

31.16 TABLES

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(3) REFERENCES

...

- (O) Raisbeck, M.F., S. L. Riker, C. M. Tate, R. Jackson, M. A. Smith, K. J. Reddy and J. R. Zygmunt. 2008. Water quality for Wyoming livestock and wildlife. University of Wyoming AES Bulletin B-4483Kistner, M.J., J.J. Wagner, J. Evans, S. Chalberg, S. Jalali, K. Sellins, M.L. Kesel, T. Holt, and T.E. Engle. 2017. The effects of molybdenum water concentration on feedlot performance, tissue mineral concentrations, and carcass quality of feedlot steers. J. Anim. Sci. 95:2758-2766.
- (P) Murray, F. Jay, F.M. Sullivan, A.K. Tiwary, S. Carey. 2014. 90-Day subchronic toxicity study of sodium molybdate dihydrate in rats. J. of Regulatory Toxicology & Pharmacology 70:579-588;Murray, F. Jay, R.W. Tyl, F.M. Sullivan, A.K. Tiwary, S. Carey. 2014. Developmental toxicity study of sodium molybdate dihydrate administered in the diet to Sprague Dawley rats. Reproductive Toxicology 40:202-208; Two-Generation (One Litter per Generation) Reproduction Study of Sodium Molybdate Dihydrate in Rats, Study Conducted by Charles River Laboratories, USA, April 2017, International Molybdenum Association.

...

TABLE III - METAL PARAMETERS

TABLE III METAL PARAMETERS (Concentration in µg/l)						
METAL ⁽¹⁾	AQUATIC LIFE ^{(1)(3)(4)(J)}		AGRICULTURE ⁽²⁾	DOMESTIC WATER-SUPPLY ⁽²⁾	WATER + FISH ⁽⁷⁾	FISH INGESTION ⁽¹⁰⁾
	ACUTE	CHRONIC				
Aluminum	$e^{(1.3695[\ln(\text{hardness})]+1.8308)}$ (tot.rec.)	87 or $e^{(1.3695[\ln(\text{hardness})]-0.1158)}$ (tot.rec.) ⁽¹¹⁾			---	---
Antimony				6.0 (30-day)	5.6	640
Arsenic	340	150	100 ^(A) (30-day)	0.02 – 10 ⁽¹³⁾ (30-day)	0.02	7.6
Barium				1,000 ^(E) (1-day) 490 (30-day)	---	---
Beryllium			100 ^(A,B) (30-day)	4.0 (30-day)	---	---
Cadmium	$(1.136672-[\ln(\text{hardness}) \times e^{0.9151[\ln(\text{hardness})]-3.1485} (0.041838)]) \times e^{(0.041838)}$ (Trout) = $(1.136672-[\ln(\text{hardness}) \times e^{0.9151[\ln(\text{hardness})]-3.6236} (0.041838)]) \times e^{(0.041838)}$	$(1.101672-[\ln(\text{hardness}) \times e^{0.7998[\ln(\text{hardness})]-4.4451} (0.041838)]) \times e^{(0.041838)}$	10 ^(B) (30-day)	5.0 ^(E) (1-day)	---	---
Chromium III ⁽⁵⁾	$e^{(0.819[\ln(\text{hardness})]+2.5736)}$	$e^{(0.819[\ln(\text{hardness})]+0.5340)}$	100 ^(B) (30-day)	50 ^(E) (1-day)	---	---
Chromium VI ⁽⁵⁾	16	11	100 ^(B) (30-day)	50 ^(E) (1-day)	100(30-day)	---
Copper	$e^{(0.9422[\ln(\text{hardness})]-1.7408)}$	$e^{(0.8545[\ln(\text{hardness})]-1.7428)}$	200 ^(B)	1,000 ^(F) (30-day)	1,300	---
Iron		1,000(tot.rec.) ^(A,C)		300(dis) ^(F) (30-day)	---	---
Lead	$(1.46203-[(\ln(\text{hardness}) \times e^{(0.145712)})] \times e^{(1.273[\ln(\text{hardness})]-1.46)})$	$(1.46203-[(\ln(\text{hardness}) \times e^{(0.145712)})] \times e^{(1.273[\ln(\text{hardness})]-4.705)})$	100 ^(B) (30-day)	50 ^(E) (1-day)	—	---
Manganese	$e^{(0.3331[\ln(\text{hardness})]+6.4676)}$	$e^{(0.3331[\ln(\text{hardness})]+5.8743)}$	200 ^(B) (30-day) ⁽¹²⁾	50(dis) ^(F) (30-day)	—	---
Mercury		FRV(fish) ⁽⁶⁾ = 0.01 (Total)		2.0 ^(E) (1-day)	—	---
Molybdenum			300 1000 ^(O) (30-day) ⁽¹⁵⁾	240 9000 ^(P) (30-day)		
Nickel	$e^{(0.846[\ln(\text{hardness})]+2.253)}$	$e^{(0.846[\ln(\text{hardness})]+0.0554)}$	200 ^(B) (30-day)	100 ^(E) (30-day)	610	4,600

TABLE III METAL PARAMETERS (Concentration in µg/l)						
METAL ⁽¹⁾	AQUATIC LIFE ^{(1)(3)(4)(J)}		AGRICULTURE ⁽²⁾	DOMESTIC WATER-SUPPLY ⁽²⁾	WATER + FISH ⁽⁷⁾	FISH INGESTION ⁽¹⁰⁾
	ACUTE	CHRONIC				
Selenium ⁽⁹⁾	18.4	4.6	20 ^(B,D) (30-day)	50 ^(E) (30-day)	170	4,200
Silver	$\frac{1}{2}e^{(1.72[\ln(\text{hardness})]-6.52)}$	$e^{(1.72[\ln(\text{hardness})]-9.06)}$ (Trout) = $e^{(1.72[\ln(\text{hardness})]-10.51)}$		100 ^(F) (1-day)	—	---
Thallium		15 ^(C)		0.5 (30-day)	0.24	0.47
Uranium ⁽¹⁶⁾	$e^{(1.1021[\ln(\text{hardness})]+2.7088)}$	$e^{(1.1021[\ln(\text{hardness})]+2.2382)}$		16.8 – 30 ⁽¹³⁾ (30-day)	---	---
Zinc	$0.978 * e^{(0.9094[\ln(\text{hardness})]+0.9095)}$	$0.986 * e^{(0.9094[\ln(\text{hardness})]+0.6235)}$ (sculpin) ⁽¹⁴⁾ = $e^{(2.140[\ln(\text{hardness})]-5.084)}$	2000 ^(B) (30-day)	5,000 ^(F) (30-day)	7,400	26,000
NOTE: Capital letters in parentheses refer to references listed in section 31.16(3); Numbers in parentheses refer to Table III footnote						

Table III – Footnotes

...

- (15) In determining whether adoption of a molybdenum standard is appropriate for a segment, the Commission will consider whether livestock or irrigated forage is present or expected to be present. The table value assumes that copper and molybdenum concentrations in forage are ~~79.8~~ mg/kg and ~~0.5-0.6~~ mg/kg respectively, forage intake is ~~6-8~~11.4 kg/day, copper concentration in water is 0.008 mg/l, water intake is ~~54-628.2~~ l/day, copper supplementation is ~~480~~ mg/day, and that a Cu:Mo ratio of ~~4:42.8:1~~ is appropriate with a 0.075 mg/l molybdenum margin of safety. Numeric standards different than the table-value may be adopted on a site-specific basis where appropriate justification is presented to the Commission. In evaluating site-specific standards, the relevant factors that should be considered include the presence of livestock or irrigated forage, and the total intake of copper, molybdenum, and sulfur from all sources (i.e., food, water, and dietary supplements). In general, site-specific standards should be based on achieving a safe copper:molybdenum total exposure ratio, with due consideration given to the sulfur exposure. A higher Cu:Mo ratio may be necessary where livestock exposure to sulfur is also high. Species specific information shall be considered where cattle are not the most sensitive species.

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31.57 STATEMENT OF BASIS, SPECIFIC STATUTORY AUTHORITY AND PURPOSE; DECEMBER 12, 2017 RULEMAKING; EFFECTIVE JUNE 30, 2018

The provisions of sections 25-8-202(1)(b), 25-8-204; and 25-8-402, C.R.S., provide the specific statutory authority for adoption. The Commission also adopted, in compliance with section 24-4-103(4) C.R.S., the following statement of basis and purpose.

BASIS AND PURPOSE:

The Commission adopted revised total recoverable molybdenum standards of 9,000 µg/L to protect the water supply use, and 1,000 µg/L to protect the agriculture use.

Water Supply Standard

The water supply standard of 9,000 µg/L is based on three recent toxicity studies and application of the following equation included in Policy 96-2 for the development of "Statewide Standards and Table Value Criteria for Domestic Water Supply":

$$\text{Drinking Water Standard, } \mu\text{g/L} = \frac{\text{RfD} \times 70 \times 1000 \mu\text{g/mg} \times \text{RSC}}{2 \times \text{UF}}$$

As applied in this hearing:

Reference Dose (RfD) = 0.566 mg Mo/kg/day (based on a NOAEL of 17 mg Mo/kg/day and composite uncertainty factor (UF) of 30)
Weight of average adult = 70 kg
Drinking water consumption = 2 L/day
Relative Source Contribution (RSC) = 0.5
Uncertainty Factor (UF) = 1.0 (molybdenum is not a Group C chemical)

The RfD is derived from the "no observable adverse effect level" (NOAEL) of 17 mg Mo/kg/day which is the most sensitive NOAEL from the following toxicity studies:

- F. Jay Murray et al. 90-Day subchronic toxicity study of sodium molybdate dihydrate in rats. Journal of Regulatory Toxicology & Pharmacology, Vol. 70 (2014), 579-588.

- F. Jay Murray et al. Developmental toxicity study of sodium molybdate dihydrate administered in the diet to Sprague Dawley rats. *Reproductive Toxicology*, Vol. 40 (2014), 202-208.
- Two-Generation (One Litter per Generation) Reproduction Study of Sodium Molybdate Dihydrate in Rats, Study Conducted by Charles River Laboratories, USA (April 2017), International Molybdenum Association.

These studies resulted in NOAELs of 17, 40 and 17 mg/L respectively. The lowest (most sensitive) NOAEL of 17 mg/L was used and was divided by the UF=30 to obtain the RfD=0.566 mg/Mo/kg/day. The three toxicity studies are recent state of the art studies performed according to Organization for Economic Cooperation and Development (OECD) guidelines. They indicate that the toxicity of molybdenum is significantly lower than indicated in older toxicity studies, including the Fungwe et al. (1990) study that was considered by the Commission in 2010 when it adopted the molybdenum standard of 210 µg/L.

The UF of 30 used to calculate the RfD is based on application of an interspecies uncertainty factor of 10 to account for possible differences between rats and humans and an intraspecies uncertainty factor of 3 to account for possible variability among humans. In using the total UF=30 for calculating the RfD, the Commission considered that molybdenum is an essential element and that the body has homeostatic mechanisms to regulate levels of essential elements.

The RSC is the percentage of the total daily exposure to molybdenum contributed by drinking water. The RSC of 0.5 is based on discussions with EPA and other stakeholders, which assumes that one-half of the daily molybdenum consumption would come from water.

The UF specified by Policy 96-2 in the denominator of the equation is 1.0 for most chemicals. For certain Group C chemicals, a UF of 10 is employed according to Policy 96-2. Since molybdenum is not a Group C chemical, a UF of 1.0 is used.

The drinking water consumption of 2 L/day and the average adult weight of 70 kg are values that have been regularly used by EPA and the Commission in calculating drinking water standards.

Application of the values above in the Policy 96-2 equation results in a drinking water standard for molybdenum of 9,905 µg/L. This value was reduced to 9,000 µg/L to include a margin of safety.

Agriculture Standard

The agriculture standard of 1,000 µg/L is based on the results of a study done at Colorado State University, The Effects of Molybdenum Water Concentration on Feedlot Performance, Tissue Mineral Concentrations, and Carcass Quality of Feedlot Steers, Kistner et al., *Journal of Animal Science* Vol. 95 (2017), 2758-2766, as well as an equation that was developed by the Division in the 2010 Basic Standards hearing.

In the Kistner et al. study, 30 young steers received molybdenum in drinking water at five target dose levels (0, 160, 320, 480, and 960 µg/L) in a randomized block design whereby animals in two replicate groups were chronically exposed to molybdenum in water from February through November of 2015. The results of this study showed that molybdenum added in drinking water up to 1026.8 µg/L¹ had no impact on performance, mineral status, water intake, and carcass characteristics. The dose of 1026.8 µg/L is considered to be a NOAEL which provides a basis for the water quality standard of 1,000 µg/L. Because the highest dose tested was 1026.8 µg/L, it is possible that a true NOAEL would be even higher. Therefore, a standard of 1,000 µg/L is justified based on the results of the Kistner et al. study.

The existing agriculture standard of 300 µg/L was based on the following equation, which was developed by the Division in the 2010 Basic Standards hearing:

¹ The Kistner et al. study notes that the target dose of 960 µg/L was actually 1026.8 µg/L, based on the measured mean molybdenum concentration.

$$\frac{(\text{Cu}_{\text{forage}} \times \text{Forage}_{\text{intake}}) + (\text{Cu}_{\text{water}} \times \text{Water}_{\text{intake}}) + \text{Cu}_{\text{supp}}}{\text{Cu:Mo Safe Ratio}} - (\text{Mo}_{\text{Forage}} \times \text{Forage}_{\text{intake}})$$

TVS=

$\text{Water}_{\text{intake}}$

The 300 µg/L standard was disapproved by EPA in 2011 because it included an assumption for copper supplementation. The other assumptions used to develop the 2010 standard were based on various anecdotal sources. Basing the inputs to the Division's equation on the following actual values of data obtained in the Kistner et al. study and excluding the copper supplementation factor, the resulting calculated table value standard is 1,100 µg/L.

Copper concentration in forage ($\text{Cu}_{\text{forage}}$):	9.8 mg/kg	CSU median
Molybdenum concentration in forage ($\text{Mo}_{\text{forage}}$):	0.6 mg/kg	CSU median
Forage intake rate ($\text{Forage}_{\text{intake}}$):	11.4 kg/day	CSU median
Copper concentration in water (Cu_{water}):	0.008 mg/L	WQCD mean
Water intake rate ($\text{Water}_{\text{intake}}$):	28.2 L/day	CSU median
Copper supplementation in feed (Cu_{supp}):	0	
Cu:Mo exposure ratio (Cu:Mo Safe Ratio):	2.8	Ratio at highest CSU dose
Margin of safety:	0.075 mg/L	

The Commission adopted a standard of 1,000 µg/L based on the results of the Kistner et al. study and application of actual data from the Kistner et al. study in the equation.

EXHIBIT 2
CLIMAX MOLYBDENUM COMPANY

DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT

Water Quality Control Commission

REGULATION NO. 33 - CLASSIFICATIONS AND NUMERIC STANDARDS FOR UPPER COLORADO RIVER BASIN AND NORTH PLATTE RIVER (PLANNING REGION 12)

5 CCR 1002-33

33.60 STATEMENT OF BASIS, SPECIFIC STATUTORY AUTHORITY AND PURPOSE; DECEMBER 12, 2017 RULEMAKING; FINAL ACTION JANUARY 8, 2018; EFFECTIVE DATE JUNE 30, 2018

The provisions of C.R.S. 25-8-202(1)(a), (b) and (2); 25-8-203; 25-8-204; and 25-8-402; provide the specific statutory authority for adoption of these regulatory amendments. The Commission also adopted in compliance with 24-4-103(4) C.R.S. the following statement of basis and purpose.

BASIS AND PURPOSE

The Commission adopted updated molybdenum standards for agriculture and water supply in Regulation 31, Section 31.16, Table III. Contemporaneously, the Commission updated the molybdenum standards on the following segments in the Upper Colorado River Basin:

Upper Colorado River Segment 8: The Commission removed the agriculture-based standard of 190(T) µg/L and replaced it with the updated agriculture-based standard of 1000(T) µg/L.

Blue River Segment 14: The Commission removed the water-supply based standard of 210(T) µg/L and replaced it with the updated drinking water supply-based standard of 9000(T) µg/L. The Commission removed the existing temporary modification for molybdenum of "current conditions."

The Commission made no changes to molybdenum standards on other Upper Colorado River Basin segments or segments in other basins. The Commission will update molybdenum standards in this and other basins in future rulemakings.

**COLORADO DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT
WATER QUALITY CONTROL COMMISSION**

5 CCR 1002-33

**REGULATION NO. 33
CLASSIFICATIONS AND NUMERIC STANDARDS
FOR
UPPER COLORADO RIVER BASIN AND
NORTH PLATTE RIVER (PLANNING REGION 12)**

**APPENDIX 33-1
Stream Classifications and Water Quality Standards Tables**

Effective ~~06/30/2017~~ 06/30/2018

REGULATION #33 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

Upper Colorado River Basin

8. Mainstem of the Williams Fork River, including all tributaries and wetlands from the source to the confluence with the Colorado River, except for those tributaries listed in Segment 9.						
COUCUC08	Classifications	Physical and Biological			Metals (ug/L)	
Designation	Agriculture	DM	MWAT	acute	chronic	
Reviewable	Aq Life Cold 1	Temperature °C	CS-I	CS-I	Aluminum	---
	Recreation E	acute	chronic	Arsenic	340	0.02(T)
	Water Supply	D.O. (mg/L)	---	6.0	Beryllium	---
Qualifiers:		D.O. (spawning)	---	7.0	Cadmium	TVS(tr)
Other: Temporary Modification(s): Arsenic(chronic) = hybrid Expiration Date of 12/31/2021 *Iron(chronic) = Point of compliance at Aspen Canyon Ranch well. *Manganese(chronic) = Point of compliance at Aspen Canyon Ranch well.		pH	6.5 - 9.0	---	Chromium III	50(T)
		chlorophyll a (mg/m²)	---	150	Chromium VI	TVS
		E. Coli (per 100 mL)	---	126	Copper	TVS
					Iron	---
		Inorganic (mg/L)			Iron	---
					Lead	TVS
					Manganese	TVS
					Manganese	---
					Mercury	---
					Molybdenum	---
					Nickel	TVS
					Selenium	TVS
					Silver	TVS
					Uranium	---
					Zinc	TVS
					Zinc	---

14. Mainstem of Tenmile Creek, including all tributaries and wetlands from a point immediately above the confluence with West Tenmile Creek to Dillon Reservoir, except for the specific listing in Segment 16.						
COUCBL14	Classifications	Physical and Biological			Metals (ug/L)	
Designation	Agriculture	DM		MWAT	acute	chronic
Reviewable	Aq Life Cold 1	Temperature °C	CS-I	CS-I	Aluminum	---
	Recreation E		acute	chronic	Arsenic	340
	Water Supply	D.O. (mg/L)	---	6.0	Beryllium	---
Qualifiers:		D.O. (spawning)	---	7.0	Cadmium	TVS(tr)
Other:		pH	6.5 - 9.0	---	Chromium III	50(T)
Temporary Modification(s):		chlorophyll a (mg/m ²)	---	150*	Chromium VI	TVS
Arsenic(chronic) = hybrid		E. Coli (per 100 mL)	---	126	Copper	TVS
Expiration Date of 12/31/2021		Inorganic (mg/L)			Iron	---
Molybdenum(chronic) = current conditions			acute	chronic	Iron	---
Expiration Date of 12/31/2017		Ammonia	TVS	TVS	Lead	TVS
*chlorophyll a (mg/m ²)(chronic) = applies only above the facilities listed at 33.5(4).		Boron	---	0.75	Manganese	TVS
*Phosphorus(chronic) = applies only above the facilities listed at 33.5(4).		Chloride	---	250	Manganese	---
		Chlorine	0.019	0.011	Mercury	---
		Cyanide	0.005	---	Molybdenum	---
		Nitrate	10	---	Nickel	TVS
		Nitrite	---	0.05	Selenium	TVS
		Phosphorus	---	0.11*	Silver	TVS(tr)
		Sulfate	---	WS	Uranium	---
		Sulfide	---	0.002	Zinc	TVS
					Zinc	---
						TVS(sc)

Notice of Proposed Rulemaking

Tracking number

2017-00348

Department

1000 - Department of Public Health and Environment

Agency

1002 - Water Quality Control Commission (1002 Series)

CCR number

5 CCR 1002-32

Rule title

REGULATION NO. 32 - CLASSIFICATIONS AND NUMERIC STANDARDS FOR
ARKANSAS RIVER BASIN

Rulemaking Hearing**Date**

12/11/2017

Time

11:45 AM

Location

Sabin Conference Room, CDPHE, 4300 Cherry Creek Drive South, Denver, CO 80246

Subjects and issues involved

proposed correction of typos formatting and other non-substantive edits.

Statutory authority

sections 25-8-202(1)(a), (b), and (2); 25-8-203; 25-8-204; and 25-8-402, C.R.S.

Contact information**Name**

Blake Beyea

Title

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COLORADO

Water Quality
Control Commission

Department of Public Health & Environment

NOTICE OF PUBLIC RULEMAKING HEARING BEFORE THE COLORADO WATER QUALITY CONTROL COMMISSION

SUBJECT:

For consideration of the adoption of revisions to correct typos, formatting and other non-substantive edits, in the Basic Standards and Methodologies for Surface Water, Regulation #31 (5 CCR 1002-31), and in multiple segments of the Classifications and Numeric Standards for:

- Arkansas River Basin, Regulation #32 (5 CCR 1002-32);
- Rio Grande Basin, Regulation #36 (5 CCR 1002-36); and
- South Platte River Basin, Laramie River Basin, Republican River Basin, Smoky Hill River Basin, Regulation #38 (5 CCR 1002-38).

Revisions proposed by the Water Quality Control Division (division), along with proposed Statements of Basis, Specific Statutory Authority and Purpose, are attached to this notice as Exhibits 1 through 4.

In these attachments, proposed new language is shown with double-underlining and proposed deletions are shown with ~~strikeouts~~. Any alternative proposals related to the subject of this hearing will also be considered.

During the commission's consideration of whether to approve this notice of rulemaking, the commission determined that there is not a likelihood of significant controversy during the rulemaking process. Therefore, the commission has chosen to pursue an alternative rulemaking process consistent with section 24-4-103(4)(a) C.R.S.; and section 21.3(C)(5) of the Procedural Rules. It is the goal of the commission to complete this rulemaking without oral testimony.

SCHEDULE OF IMPORTANT DATES

Written comments due	11/29/2017 5 pm	Additional information below.
Rulemaking Hearing	12/11/2017 11:45 am	Florence Sabin Conference Room Department of Public Health and Environment 4300 Cherry Creek Drive South Denver, CO 80246

HEARING SUBMITTALS:

For this hearing, the commission will receive all submittals electronically. Submittals must be provided as PDF documents, except for raw data exhibits which may be provided as Excel workbooks. Submittals may be emailed to cdphe.wqcc@state.co.us, provided via an FTP site,

CD or flash drive, or otherwise conveyed to the commission office so as to be received no later than the specified date.

PARTY STATUS:

Pursuant to section 21.3(D) of the commission's Procedural Rules, there shall be no party status for this rulemaking proceeding.

WRITTEN COMMENTS:

The commission encourages input from interested members of the public. Written comments should be emailed to cdphe.wqcc@state.co.us by November 29, 2017.

SPECIFIC STATUTORY AUTHORITY:

The provisions of sections 25-8-202(1)(a), (b), and (2); 25-8-203; 25-8-204; and 25-8-402, C.R.S., provide the specific statutory authority for consideration of the regulatory amendments proposed by this notice. Should the commission adopt the regulatory language as proposed in this notice or alternative amendments, it will also adopt, in compliance with section 24-4-103(4) C.R.S., an appropriate Statement of Basis, Specific Statutory Authority, and Purpose.

Dated this 8th day of August, 2017 at Denver, Colorado.

WATER QUALITY CONTROL COMMISSION



Digitally signed by Trisha Oeth
DN: cn=Trisha Oeth, o, ou=Water
Quality Control Commission,
email=trisha.oeth@state.co.us, c=US
Date: 2017.08.08 08:21:49 -06'00'

Trisha Oeth, Administrator

EXHIBIT 1
WATER QUALITY CONTROL DIVISION

DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT

Water Quality Control Commission

REGULATION NO. 31 – THE BASIC STANDARDS AND METHODOLOGIES FOR SURFACE WATER

5 CCR 1002-31

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31.16 TABLES

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TABLE I – PHYSICAL AND BIOLOGICAL PARAMETERS

TABLE I PHYSICAL AND BIOLOGICAL PARAMETERS								
Parameter	Recreational			Aquatic Life			Agriculture	Domestic Water Supply
	CLASS E (Existing Primary Contact) and CLASS U (Undetermined Use)	CLASS P (Potential Primary Contact Use)	CLASS N (Not Primary Contact Use)	CLASS 1 COLD WATER BIOTA	CLASS 1 WARM WATER BIOTA	CLASS 2		
PHYSICAL								
...								
Temperature (°C) ⁽⁵⁾				Rivers & Streams: Tier I^{a,g}: June-Sept = 17.0 (ch), 21.7 (ac) Oct –May = 9.0 (ch), 13.0 (ac) Tier II^{b,g}: Apr-Oct = 18.3 (ch), 24.3 (ac) Nov-Mar = 9.0 (ch), 13.0 (ac) Lakes & Res^h: Apr-Dec = 17.0 (ch), 21.2 (ac) Jan-Mar = 9.0 (ch), 13.0 (ac) Large Lakes & Res^{c,h}: Apr-Dec = 18.3 (ch), 24.2 (ac) Jan-Mar = 9.0 (ch), 13.0 (ac)	Rivers & Streams: Tier I^d: Mar-Nov = 24.2 (ch), 29.0 (ac) Dec-Feb = 12.1 (ch), 24.6 (ac) Tier II^e: Mar-Nov = 27.5 (ch), 28.6 (ac) Dec-Feb = 13.8 (ch), 25.2 (ac) Tier III^f: Mar-Nov = 28.7 (ch), 31.8 (ac) Dec-Feb = 14.3 (ch), 24.9 (ac) Lakes & Res: Apr-Dec = 26.2 (ch), 29.3 (ac) Jan-Mar = 13.1 (ch), 24.1 (ac)	Same as Class 1		
...								
Note: Capital letters in parentheses refer to references listed in section 31.16(3); Numbers in parentheses refer to Table 1 footnotes.								
^a Cold Stream Tier I temperature criteria apply where cutthroat trout and brook trout are expected to occur. ^b Cold Stream Tier II temperature criteria apply where cold-water aquatic species, excluding cutthroat trout or brook trout, are expected to occur. ^c Large Cold Lakes temperature criteria apply to lakes and reservoirs with a surface area equal to or greater than 100 acres surface area. ^d Warm Stream Tier I temperature criteria apply where common shiner, johnny darter, or orangethroat darter, or stonecat are expected to occur. ^e Warm Stream Tier II temperature criteria apply where brook stickleback, central stoneroller, creek chub, finescale dace, longnose dace, mountain sucker, northern redbelly dace, razorback sucker, or white sucker are expected occur, and none of the more thermally sensitive species in Tier I are expected to occur. ^f Warm Stream Tier III temperature criteria apply where warm-water aquatic species are expected to occur, and none of the more thermally sensitive species in Tiers I and II are expected to occur. ^g Mountain whitefish-based summer temperature criteria [16.9 (ch), 21.2 (ac)] apply when and where spawning and sensitive early life stages of this species are known to occur. ^h Lake trout-based summer temperature criteria [16.6 (ch), 22.4 (ac)] apply where appropriate and necessary to protect lake trout from thermal impacts.								

31.56 STATEMENT OF BASIS SPECIFIC STATUTORY AUTHORITY AND PURPOSE; DECEMBER 11, 2017 RULEMAKING; FINAL ACTION DECEMBER 11, 2017; EFFECTIVE DATE JANUARY 31, 2018

The provisions of C.R.S. 25-8-202(1)(a), (b) and (2); 25-8-203; 25-8-204; and 25-8-402; provide the specific statutory authority for adoption of these regulatory amendments. The commission also adopted, in compliance with 24-4-103(4) C.R.S., the following statement of basis and purpose.

BASIS AND PURPOSE

In this hearing, the commission made a correction to Regulation No. 31. A typographical error has been identified that does not reflect the commission's intended decisions from a recent hearing.

When the temperature standards were updated in June 2015, a typo was introduced in Table I – Physical and Biological Parameters, Footnote e. The commission corrected the spelling of northern redbelly dace in the species list included in Footnote e.

EXHIBIT 2
WATER QUALITY CONTROL DIVISION

DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT

Water Quality Control Commission

REGULATION NO. 32 – CLASSIFICATIONS AND NUMERIC STANDARDS FOR ARKANSAS RIVER
BASIN

5 CCR 1002-32

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32.59 STATEMENT OF BASIS SPECIFIC STATUTORY AUTHORITY AND PURPOSE; DECEMBER 11, 2017 RULEMAKING; FINAL ACTION DECEMBER 11, 2017; EFFECTIVE DATE JANUARY 31, 2018

The provisions of C.R.S. 25-8-202(1)(a), (b) and (2); 25-8-203; 25-8-204; and 25-8-402; provide the specific statutory authority for adoption of these regulatory amendments. The commission also adopted, in compliance with 24-4-103(4) C.R.S., the following statement of basis and purpose.

BASIS AND PURPOSE

In this hearing, the commission made a correction to Regulation No. 32. A typographical error has been identified that does not reflect the commission's intended decisions from a past hearing.

The commission corrected the spelling of North Rush Creek, which is included in the description of Lower Arkansas Segment 9b.

**COLORADO DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT
WATER QUALITY CONTROL COMMISSION**

5 CCR 1002-32

**REGULATION NO. 32
CLASSIFICATIONS AND NUMERIC STANDARDS
FOR
ARKANSAS RIVER BASIN**

**APPENDIX 32-1
Stream Classifications and Water Quality Standards Tables**

Effective ~~06/30/2017~~ 01/31/2018

REGULATION #32 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

Lower Arkansas River Basin

9b. Mainstem of Apache Creek from the source to the confluence with the North Rusk Creek. Mainstem of Breckenridge Creek from the source to the confluence with Horse Creek. Mainstem of Little Horse Creek from the source to the confluence with Horse Creek. Mainstem of Bob Creek from the source to Meredith Reservoir. Mainstem of Big Sandy Creek within Prowers County. Mainstem of Rule Creek from the Bent/Las Animas county line to John Martin Reservoir. Mainstem of Muddy Creek from the south boundary of the Setchfield State Wildlife Area to the confluence with Rule Creek. Mainstem of Caddoa Creek from CC Road to the confluence with the Arkansas River. Mainstem of Cat Creek from the source to the confluence with Clay Creek. Mainstem of Mustang Creek from the source to the confluence with Apishapa River. Mainstem of Chicosa Creek from the source to the Arkansas River. Mainstem of Smith Canyon from the Otero/Las Animas county line to the confluence with the Purgatoire River. Mainstem of Mud Creek from V Road to the confluence with the Arkansas River. Mainstems of Frijole Creek and Luning Arroyo from their sources to their confluences with the Purgatoire River. Mainstem of Blackwell Arroyo from its source to the confluence with Luning Arroyo. Mainstem of San Isidro Creek from the source to the confluence with San Francisco Creek.

COARLA09B Classifications		Physical and Biological		Metals (ug/L)		
Designation		DM	MWAT		acute	chronic
UP	Agriculture					
	Aq Life Warm 2	Temperature °C	WS-II	Aluminum	---	---
	Recreation E			Arsenic	340	0.02-10(T)
	Water Supply			Beryllium	---	---
Qualifiers:		D.O. (mg/L)	---	5.0		
Other:		pH	6.5 - 9.0	---	Cadmium	TVS
		chlorophyll a (mg/m2)	---	150	Chromium III	50(T)
		E. Coli (per 100 mL)	---	126	Chromium VI	TVS
		Inorganic (mg/L)		Copper	TVS	TVS
				Iron	---	WS
				Iron	---	1000(T)
				Lead	TVS	TVS
				Manganese	TVS	TVS
				Manganese	---	WS
				Mercury	---	0.01(t)
				Molybdenum	---	160(T)
				Nickel	TVS	TVS
				Selenium	TVS	TVS
				Silver	TVS	TVS
				Uranium	---	---
				Zinc	TVS	TVS

All metals are dissolved unless otherwise noted.
T = total recoverable
t = total
tr = trout

D.O. = dissolved oxygen
DM = daily maximum
MWAT = maximum weekly average temperature
See 32.6 for details on TVS, TVS(tr), WS, temperature standards.

EXHIBIT 3

WATER QUALITY CONTROL DIVISION

DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT

Water Quality Control Commission

REGULATION NO. 36 – CLASSIFICATIONS AND NUMERIC STANDARDS FOR RIO GRANDE BASIN

5 CCR 1002-36

....

36.6 TABLES

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(4) Additional Site-Specific Criteria

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(c) Site-specific standards and temporary modifications for Rio Grande Segment 7:

Standards effective through 12/31/2018

Cadmium(acute/chronic)=TVS
Copper(acute/chronic)=TVS
Lead(acute/~~chromium~~chronic)=TVS
Manganese(acute/chronic)=TVS
Silver(acute)=TVS
Zinc(acute/chronic)=TVS

Tier 1 standards effective 1/1/2019 through 12/31/2020

West Willow

Cadmium(acute/chronic)=163 / 21 ug/L
Copper(acute/chronic)=227 / 8.9 ug/L
Lead(acute/~~chromium~~chronic)=1,014 / 104 ug/L
Manganese(acute/chronic)=TVS
Silver(acute)=1.3 ug/L
Zinc(acute/chronic)=24,000 / 5,977 ug/L

Windy Gulch

Cadmium(acute/chronic)=9.1 / 6.3 ug/L
Copper(acute/chronic)=TVS / 5.8 ug/L
Lead(acute/~~chromium~~chronic)=TVS
Manganese(acute/chronic)=TVS
Silver(acute)=TVS
Zinc(acute/chronic)=2,804 / 1,914 ug/L

Willow mainstem

Low flow (August-March):

Cadmium(acute/chronic)=17.5 / 15.4 ug/L
Copper(acute/chronic)=TVS
Lead(acute/~~chromium~~chronic)=TVS / 30 ug/L
Manganese(acute/chronic)=TVS
Silver(acute)=TVS
Zinc(acute/chronic)=4,541 / 3,917 ug/L

High flow (April-July):

Cadmium(acute/chronic)=15.6 / 10.3 ug/L
Copper(acute/chronic)=TVS
Lead(acute/~~chromium~~chronic)=TVS / 22 ug/L
Manganese(acute/chronic)=TVS
Silver(acute)=TVS
Zinc(acute/chronic)=4,190 / 3,009 ug/L

Tier 2 standards effective from 1/1/2021

West Willow

Low flow (August-March):

Cadmium(acute/chronic)=67 / 50 ug/L
Copper(acute/chronic)=17.6 / 15.0 ug/L
Lead(acute/~~chromium~~chronic)=268 / 183 ug/L
Manganese(acute/chronic)=TVS / 1,779 ug/L
Silver(acute)=TVS
Zinc(acute/chronic)=11,873 / 11,022 ug/L

High flow (April-July):

Cadmium(acute/chronic)=32 / 19.2 ug/L
Copper(acute/chronic)=15.0 / 9.4 ug/L
Lead(acute/~~chromium~~chronic)=103 / 47 ug/L
Manganese(acute/chronic)=TVS
Silver(acute)=TVS
Zinc(acute/chronic)=8,772 / 5,611 ug/L

Windy Gulch

Cadmium(acute/chronic)=9.1 / 6.3 ug/L
Copper(acute/chronic)=TVS / 5.8 ug/L
Lead(acute/~~chromium~~chronic)=TVS
Manganese(acute/chronic)=TVS
Silver(acute)=TVS
Zinc(acute/chronic)=2,804 / 1,914 ug/L

Willow mainstem

Low flow (August-March):

Cadmium(acute/chronic)=13.9 / 11.2 ug/L
Copper(acute/chronic)=TVS
Lead(acute/~~chromium~~chronic)=TVS / 18.6 ug/L
Manganese(acute/chronic)=TVS
Silver(acute)=TVS
Zinc(acute/chronic)=2,521 / 1,733 ug/L

High flow (April-July):
Cadmium(acute/chronic)=14.5 / 8.9 ug/L
Copper(acute/chronic)=TVS
Lead(acute/~~chromium~~chronic)=TVS / 13.1 ug/L
Manganese(acute/chronic)=TVS
Silver(acute)=TVS
Zinc(acute/chronic)=3,635 / 2,373 ug/L

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36.40 STATEMENT OF BASIS SPECIFIC STATUTORY AUTHORITY AND PURPOSE; DECEMBER 11, 2017 RULEMAKING; FINAL ACTION DECEMBER 11, 2017; EFFECTIVE DATE JANUARY 31, 2018

The provisions of C.R.S. 25-8-202(1)(a), (b) and (2); 25-8-203; 25-8-204; and 25-8-402; provide the specific statutory authority for adoption of these regulatory amendments. The commission also adopted, in compliance with 24-4-103(4) C.R.S., the following statement of basis and purpose.

BASIS AND PURPOSE

In this hearing, the commission made corrections to Regulation No. 36. Several errors have been identified which do not reflect the commission's intended decisions from recent hearings.

A. Section 36.6(4)(c)

The commission corrected a series of typos in Section 36.6(4)(c). Several of the lead values were erroneously written "acute/chromium"; the commission replaced the word "chromium" with the word "chronic".

B. Alamosa Segment 28

The commission made corrections to the description of Alamosa Segment 28. A typo was corrected and Alamosa Segment 30 was added as an exception.

C. Alamosa Segment 29

The commission made a correction to the description of Alamosa Segment 29. Alamosa Segment 8 was added as an exception.

D. Closed Basin Segment 3

The commission made a correction to the description of Closed Basin Segment 3. Closed Basin Segment 1 was added as an exception.

E. Closed Basin Segment 9a

The commission made corrections to the description of Closed Basin Segment 9a. The extra "tributaries and wetlands" was removed. In addition, the description of the start of the segment was corrected to "a point immediately above the Cocomongo Mill site" instead of "the source".

**COLORADO DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT
WATER QUALITY CONTROL COMMISSION**

5 CCR 1002-36

**REGULATION NO. 36
CLASSIFICATIONS AND NUMERIC STANDARDS
FOR
RIO GRANDE BASIN**

**APPENDIX 36-1
Stream Classifications and Water Quality Standards Tables**

Effective ~~06/30/2017~~ 01/31/2018

REGULATION #36 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

Alamosa River/La Jara Creek/Conejos River Basins

28. All lakes and reservoir tributary to the Alamosa River, La Jara Creek, or Conejos River, and within the boundaries of the Rio Grande National Forest, excluding the specific listings in segments 23 through 27, and 30.

CORGAL28	Classifications	Physical and Biological		Metals (ug/L)	
Designation	Agriculture	DM	MWAT	acute	chronic
Reviewable	Aq Life Cold 1	Temperature °C	CL	CL	CL
	Recreation E	acute	chronic	Arsenic	340
	Water Supply	D.O. (mg/L)	---	6.0	Beryllium
Qualifiers:		D.O. (spawning)	---	7.0	Cadmium
Other:		pH	6.5 - 9.0	---	TVS(tr)
*chlorophyll a (ug/L)(chronic) = applies only to lakes and reservoirs larger than 25 acres surface area. *Phosphorus(chronic) = applies only to lakes and reservoirs larger than 25 acres surface area.		chlorophyll a (ug/L)	---	8*	Chromium III
		E. Coli (per 100 mL)	---	126	Chromium VI
		Inorganic (mg/L)		TVS	TVS
		acute	chronic	Copper	TVS
		Ammonia	TVS	TVS	Iron
		Boron	---	0.75	---
		Chloride	---	250	WS
		Chlorine	0.019	0.011	Lead
		Cyanide	0.005	---	TVS
		Nitrate	10	---	TVS
		Nitrite	---	0.05	TVS
		Phosphorus	---	0.025*	TVS(tr)
		Sulfate	---	WS	Uranium
		Sulfide	---	0.002	---
				Zinc	TVS
					TVS

29. All lakes and reservoirs tributary to the Alamosa River, La Jara Creek, or Conejos River, excluding the specific listings in segments 8, 23 through 28, and 30.

CORGAL29	Classifications	Physical and Biological		Metals (ug/L)	
Designation	Agriculture	DM	MWAT	acute	chronic
UP	Aq Life Warm 2	Temperature °C	WL	WL	WL
	Recreation E	acute	chronic	Arsenic	340
Qualifiers:		D.O. (mg/L)	---	5.0	Beryllium
Other:		pH	6.5 - 9.0	---	100(T)
*chlorophyll a (ug/L)(chronic) = applies only to lakes and reservoirs larger than 25 acres surface area. *Phosphorus(chronic) = applies only to lakes and reservoirs larger than 25 acres surface area.		chlorophyll a (ug/L)	---	20*	Cadmium
		E. Coli (per 100 mL)	---	126	TVS(tr)
		Inorganic (mg/L)		TVS	TVS
		acute	chronic	Chromium III	TVS
		Ammonia	TVS	TVS	Chromium III
		Boron	---	0.75	---
		Chloride	---	---	100(T)
		Chlorine	0.019	0.011	Chromium VI
		Cyanide	0.005	---	TVS
		Nitrate	100	---	TVS
		Nitrite	---	0.05	TVS
		Phosphorus	---	0.083*	TVS
		Sulfate	---	---	TVS(tr)
		Sulfide	---	0.002	Uranium

				Zinc	TVS
					TVS

All metals are dissolved unless otherwise noted.
 T = total recoverable
 t = total
 tr = trout

D.O. = dissolved oxygen
 DM = daily maximum
 MWAT = maximum weekly average temperature
 See 36.6 for details on TVS, TVS(tr), WS, temperature standards.

REGULATION #36 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

Closed Basin-San Luis Valley River Basin

3. All tributaries to the Closed Basin excluding the listings in segments 1, 2a, 2b, 2c, and 4 through 13.

CORGC03	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture		DM	MWAT		acute	chronic
Reviewable	Aq Life Warm 1	Temperature °C	WS-II	WS-II	Aluminum	---	---
	Recreation E		acute	chronic	Arsenic	340	0.02(T)
	Water Supply	D.O. (mg/L)	---	5.0	Beryllium	---	---
		pH	6.5 - 9.0	---	Cadmium	TVS	TVS
Qualifiers:		chlorophyll a (mg/m2)	---	150*	Chromium III	50(T)	TVS
Other:		E. Coli (per 100 mL)	---	126	Chromium VI	TVS	TVS
Temporary Modification(s):		Inorganic (mg/L)			Copper	TVS	TVS
Arsenic(chronic) = hybrid			acute	chronic	Iron	---	WS
Expiration Date of 12/31/2021		Ammonia	TVS	TVS	Iron	---	1000(T)
*chlorophyll a (mg/m2)(chronic) = applies only above the facilities listed at 36.5(4). *Phosphorus(chronic) = applies only above the facilities listed at 36.5(4).		Boron	---	0.75	Lead	TVS	TVS
		Chloride	---	250	Manganese	TVS	TVS
		Chlorine	0.019	0.011	Manganese	---	WS
		Cyanide	0.005	---	Mercury	---	0.01(t)
		Nitrate	10	---	Molybdenum	---	160(T)
		Nitrite	---	0.05	Nickel	TVS	TVS
		Phosphorus	---	0.17*	Selenium	TVS	TVS
		Sulfate	---	WS	Silver	TVS	TVS
		Sulfide	---	0.002	Uranium	---	---
					Zinc	TVS	TVS

9a. Mainstem, ~~tributaries and wetlands~~ of Kerber Creek, including all tributaries and wetlands, from a point immediately above the Cocomongo Mill site the source to immediately above the confluence of Brewery Creek, excluding the specific listings in segment 8.

CORGCB09A	Classifications	Physical and Biological		Metals (ug/L)			
Designation	Agriculture	DM	MWAT	acute	chronic		
UP	Recreation E			Aluminum	---		
	Water Supply	acute	chronic	Arsenic	340 0.02-10(T) ^A		
Qualifiers:		D.O. (mg/L)	---	3.0	Beryllium	---	
Goal Qualifier for Agriculture and Water Supply		pH	6.5 - 9.0	---	Cadmium	5.0(T) ---	
Other:		chlorophyll a (mg/m2)	---	150	Chromium III	50(T) ---	
		E. Coli (per 100 mL)	---	126	Chromium VI	50(T) ---	
		Inorganic (mg/L)		Copper	---	1000(T)	
			acute	chronic	Iron	---	WS
		Ammonia	---	---	Lead	50(T)	---
		Boron	---	0.75	Manganese	---	WS
		Chloride	---	250	Mercury	---	2.0(t)
		Chlorine	---	---	Molybdenum	---	160(T)
		Cyanide	---	---	Nickel	---	---
		Nitrate	10	---	Selenium	---	20(T)
		Nitrite	---	1.0	Silver	---	50(T)
		Phosphorus	---	---	Uranium	---	---
		Sulfate	---	WS	Zinc	---	5000(T)
		Sulfide	---	0.002			

All metals are dissolved unless otherwise noted.
T = total recoverable
t = total
tr = trout

D.O. = dissolved oxygen
DM = daily maximum
MWAT = maximum weekly average temperature
See 36.6 for details on TVS, TVS(tr), WS, temperature standards.

EXHIBIT 4

WATER QUALITY CONTROL DIVISION

DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT

Water Quality Control Commission

REGULATION NO. 38 – CLASSIFICATIONS AND NUMERIC STANDARDS FOR SOUTH PLATTE RIVER BASIN, LARAMIE RIVER BASIN, REPUBLICAN RIVER BASIN, SMOKY HILL RIVER BASIN

5 CCR 1002-38

....

38.96 STATEMENT OF BASIS SPECIFIC STATUTORY AUTHORITY AND PURPOSE; DECEMBER 11, 2017 RULEMAKING; FINAL ACTION DECEMBER 11, 2017; EFFECTIVE DATE JANUARY 31, 2018

The provisions of C.R.S. 25-8-202(1)(a), (b) and (2); 25-8-203; 25-8-204; and 25-8-402; provide the specific statutory authority for adoption of these regulatory amendments. The commission also adopted, in compliance with 24-4-103(4) C.R.S., the following statement of basis and purpose.

BASIS AND PURPOSE

In this hearing, the commission made corrections to Regulation No. 38. Several errors have been identified which do not reflect the commission's intended decisions from recent hearings.

A. South Platte Segment 16i

The commission made corrections to the standards applied to Upper South Platte Segment 16i. This segment currently has Agriculture, Aquatic Life Warm 2, and Recreation E uses, and a Fish Ingestion Standards qualifier. However, several Water Supply standards (cadmium, chromium III, lead, and nickel) were erroneously assigned to this segment. Because this segment does not have a Water Supply use, the commission deleted the Water Supply-based standards for cadmium, chromium III, lead, and nickel, and retained the standards to protect Aquatic Life and Agriculture uses. The commission also corrected the chronic arsenic standard. Because this segment has a Fish Ingestion Standards qualifier, the commission replaced the existing Agriculture-based chronic arsenic standard of 100(T) µg/L with the Fish Ingestion-based chronic standard of 7.6(T) µg/L.

B. South Platte Segment 22a

The commission made a correction to the qualifiers on Upper South Platte Segment 22a. The commission replaced the "Fish Ingestion Standards" qualifier with the "Water + Fish Standards" qualifier because this segment has a Water Supply use.

C. Clear Creek Segment 3b

The commission made a correction to the standards applied to Clear Creek Segment 3b. The acute arsenic standard of 50(T) µg/L was intended to be deleted during the 2015 Regulation No. 38 hearing, but

was erroneously retained. The commission deleted the acute arsenic standard of 50(T) µg/L and retained the arsenic standards to protect the Aquatic Life and Water Supply uses.

D. Clear Creek Segments 6 and 21

The commission made a correction to the description of Clear Creek Segment 6. This segment included an exception for Segment 7; this was replaced with Segment 7a.

The commission made a correction to the description of Clear Creek Segment 21. This segment included an exception for Segment 7; this was replaced with Segment 7b.

**COLORADO DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT
WATER QUALITY CONTROL COMMISSION**

5 CCR 1002-38

**REGULATION NO. 38
CLASSIFICATIONS AND NUMERIC STANDARDS
FOR
SOUTH PLATTE RIVER BASIN, LARAMIE RIVER BASIN
REPUBLICAN RIVER BASIN, SMOKY HILL RIVER BASIN**

**APPENDIX 38-1
Stream Classifications and Water Quality Standards Tables**

Effective ~~06/30/2017~~ 01/31/2018

REGULATION #38 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

Upper South Platte River Basin

16i. Mainstem of Sand Creek from the confluence with Toll Gate Creek to the confluence with the South Platte River.						
COSPUS16i	Classifications	Physical and Biological			Metals (ug/L)	
Designation	Agriculture	DM		MWAT	acute	chronic
Reviewable	Aq Life Warm 2	WS-II		WS-II	Aluminum	---
	Recreation E	acute		chronic	Arsenic	340 7.6400(T)
Qualifiers:		D.O. (mg/L)		5.0	Beryllium	---
Fish Ingestion Standards		pH		6.5 - 9.0	Cadmium	TVS
Other:		chlorophyll a (mg/m ²)		150*	Cadmium	5.0(T) ---
*chlorophyll a (mg/m ²)(chronic) = applies only above the facilities listed at 38.5(4). *Phosphorus(chronic) = applies only above the facilities listed at 38.5(4). *Mercury(chronic) = 0.026 below Brighton Blvd, see section 38.6(4)(f) for mercury assessment locations *Selenium(acute) = See section 38.6(4)(f) for selenium standards and assessment locations. *Selenium(chronic) = See section 38.6(4)(f) for selenium standards and assessment locations. Discharger Specific Variance(s): Selenium (acute) = TVS; no limit Selenium (chronic) = 9: 24 µg/L Expiration Date of 12/31/2023 Variance: Selenium = see 38.6(6) for details.		E. Coli (per 100 mL)		126	Chromium III	10050(T) TVS
		Inorganic (mg/L)			Chromium VI	TVS
		acute		chronic	Copper	TVS
		Ammonia		TVS	Iron	---
		Boron		0.75	Lead	TVS
		Chloride		---	Lead	50(T) ---
		Chlorine		0.019	Manganese	TVS
		Cyanide		0.005	Mercury	---
		Nitrate		10	Mercury	0.01(t)
		Nitrite		0.5	Molybdenum	---
		Phosphorus		0.17*	Nickel	TVS
		Sulfate		---	Nickel	--- 100(T)
		Sulfide		0.002	Selenium	---
					Selenium	varies*
					Silver	TVS
					Uranium	---
					Zinc	TVS

All metals are dissolved unless otherwise noted.
 T = total recoverable
 t = total
 tr = trout

D.O. = dissolved oxygen
 DM = daily maximum
 MWAT = maximum weekly average temperature
 See 38.6 for details on TVS, TVS(tr), WS, temperature standards.

REGULATION #38 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

Upper South Platte River Basin

22a. Lakes and reservoirs in watersheds tributary to the South Platte River from the outlet of Chatfield Reservoir to a point immediately below the confluence with Big Dry Creek, except for specific listings in the subbasins of the South Platte River, and in Segments 16b, 17a, 17b, 17c, 22b, and 23.						
COSPUS22A	Classifications	Physical and Biological		Metals (ug/L)		
Designation		DM	MWAT		acute	chronic
Reviewable	Agriculture					
	Aq Life Warm 2	Temperature °C	WL	WL	Aluminum	---
	Recreation E					
	Water Supply	acute	chronic	Arsenic	340	0.02(T)
	DUWS*	D.O. (mg/L)	---	5.0	Beryllium	---
		pH	6.5 - 9.0	---	Cadmium	TVS
		chlorophyll a (ug/L)	---	---	Cadmium	5.0(T)
		E. Coli (per 100 mL)	---	126	Chromium III	50(T)
					Chromium VI	TVS
					Copper	TVS
					Iron	---
					Iron	1000(T)
					Lead	TVS
					Lead	50(T)
					Manganese	TVS
					Manganese	---
					Mercury	---
					Molybdenum	---
					Molybdenum	210(T)*
					Nickel	TVS
					Nickel	---
					Selenium	TVS
					Silver	TVS
					Uranium	---
					Zinc	TVS

Qualifiers:
Water + Fish Ingestion Standards

Other:
 Temporary Modification(s):
 Arsenic(chronic) = hybrid
 Expiration Date of 12/31/2021
 *Classification: DUWS applies to McLellan and Quincy only.
 *Molybdenum(chronic) = 210 ug/L for McLellan Reservoir

All metals are dissolved unless otherwise noted.
 T = total recoverable
 t = total
 tr = trout

D.O. = dissolved oxygen
 DM = daily maximum
 MWAT = maximum weekly average temperature
 See 38.6 for details on TVS, TVS(tr), WS, temperature standards.

REGULATION #38 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

Clear Creek Basin

3b. Mainstem of Leavenworth Creek from source to confluence with South Clear Creek.

COSPCLO3B	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture	DM	MWAT	acute chronic			
Reviewable*	Aq Life Cold 2	Temperature °C	CS-I CS-I	Aluminum	---	---	
	Recreation E	acute	chronic	Arsenic	340	0.02-10(T) ^A	
	Water Supply	D.O. (mg/L)	---	6.0	Arsenic 50(T)	---	
Qualifiers:	D.O. (spawning)	---	7.0	Beryllium	---	---	
Other:	pH	6.5 - 9.0	---	Cadmium	TVS(tr)	TVS	
	chlorophyll a (mg/m2)	---	150	Cadmium	5.0(T)	---	
*Designation: 9/30/00 Baseline does not apply *Zinc(acute) = 0.978e^(0.8537[ln(hardness)]+1.9467) *Zinc(chronic) = 0.986e^(0.8537[ln(hardness)]+1.8032)	E. Coli (per 100 mL)	---	126	Chromium III	50(T)	TVS	
				Chromium VI	TVS	TVS	
		Inorganic (mg/L)		Copper	TVS	TVS	
		acute	chronic	Iron	---	WS	
	Ammonia	TVS	TVS	Iron	---	1000(T)	
	Boron	---	0.75	Lead	TVS	TVS	
	Chloride	---	250	Lead	50(T)	---	
	Chlorine	0.019	0.011	Manganese	TVS	TVS	
	Cyanide	0.005	---	Manganese	---	WS	
	Nitrate	10	---	Mercury	---	0.01(t)	
	Nitrite	---	0.05	Molybdenum	---	150(T)	
	Phosphorus	---	0.11	Nickel	TVS	TVS	
	Sulfate	---	WS	Nickel	---	100(T)	
	Sulfide	---	0.002	Selenium	TVS	TVS	
				Silver	TVS	TVS(tr)	
				Uranium	---	---	
				Zinc	---	SSE*	
			Zinc	SSE*	---		

6. All tributaries to West Fork Clear Creek, including all wetlands, from the source to the confluence with Clear Creek, except for specific listings in Segments 7a and 8.

COSPCL06	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture	DM		MWAT	acute		chronic
Reviewable*	Aq Life Cold 1	Temperature °C	CS-I	CS-I	Aluminum	---	---
	Recreation E	acute	chronic	Arsenic	340	0.02(T)	
	Water Supply	D.O. (mg/L)	---	6.0	Beryllium	---	---
Qualifiers:		D.O. (spawning)	---	7.0	Cadmium	TVS(tr)	TVS
Other: Temporary Modification(s): Arsenic(chronic) = hybrid Expiration Date of 12/31/2021 *Designation: 9/30/00 Baseline does not apply		pH	6.5 - 9.0	---	Cadmium	5.0(T)	---
		chlorophyll a (mg/m2)	---	150	Chromium III	50(T)	TVS
		E. Coli (per 100 mL)	---	126	Chromium VI	TVS	TVS
					Copper	TVS	TVS
		Inorganic (mg/L)			Iron	---	WS
		acute		chronic	Iron	---	1000(T)
		Ammonia	TVS	TVS	Lead	TVS	TVS
		Boron	---	0.75	Lead	50(T)	---
		Chloride	---	250	Manganese	TVS	TVS
		Chlorine	0.019	0.011	Manganese	---	WS
		Cyanide	0.005	---	Mercury	---	0.01(t)
		Nitrate	10	---	Molybdenum	---	150(T)
		Nitrite	---	0.05	Nickel	TVS	TVS
		Phosphorus	---	0.11	Nickel	---	100(T)
		Sulfate	---	WS	Selenium	TVS	TVS
		Sulfide	---	0.002	Silver	TVS	TVS(tr)
					Uranium	---	---
			Zinc	TVS	TVS		

All metals are dissolved unless otherwise noted.
T = total recoverable
t = total
tr = trout

D.O. = dissolved oxygen
DM = daily maximum
MWAT = maximum weekly average temperature
See 38.6 for details on TVS, TVS(tr), WS, temperature standards.

REGULATION #38 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

Clear Creek Basin

21. Lakes and reservoirs in the Clear Creek system from sources to the Farmer's Highline Canal diversion in Golden, CO, except as specified in Segments 7b, 20, 22 and 25. Upper Long Lake.

COSPCL21	Classifications	Physical and Biological			Metals (ug/L)			
Designation	Agriculture			DM	MWAT			
Reviewable*	Aq Life Cold 1	Temperature °C	CL	CL	Aluminum	---	---	
	Recreation E			acute	chronic	Arsenic	340	0.02(T)
	Water Supply	D.O. (mg/L)	---	6.0	Beryllium	---	---	
Qualifiers:		D.O. (spawning)	---	7.0	Cadmium	TVS(tr)	TVS	
Other: Temporary Modification(s): Arsenic(chronic) = hybrid Expiration Date of 12/31/2021 *chlorophyll a (ug/L)(chronic) = applies only to lakes and reservoirs larger than 25 acres surface area. *Designation: 9/30/00 Baseline does not apply *Phosphorus(chronic) = applies only to lakes and reservoirs larger than 25 acres surface area.		pH	6.5 - 9.0	---	Cadmium	5.0(T)	---	
		chlorophyll a (ug/L)	---	8*	Chromium III	50(T)	TVS	
		E. Coli (per 100 mL)	---	126	Chromium VI	TVS	TVS	
					Copper	TVS	TVS	
		Inorganic (mg/L)			Iron	---	WS	
				acute	chronic	Iron	---	1000(T)
		Ammonia	TVS	TVS	Lead	TVS	TVS	
		Boron	---	0.75	Lead	50(T)	---	
		Chloride	---	250	Manganese	TVS	TVS	
		Chlorine	0.019	0.011	Manganese	---	WS	
		Cyanide	0.005	---	Mercury	---	0.01(t)	
		Nitrate	10	---	Molybdenum	---	150(T)	
		Nitrite	---	0.05	Nickel	TVS	TVS	
		Phosphorus	---	0.025*	Nickel	---	100(T)	
		Sulfate	---	WS	Selenium	TVS	TVS	
		Sulfide	---	0.002	Silver	TVS	TVS(tr)	
					Uranium	---	---	
			Zinc	TVS	TVS			

All metals are dissolved unless otherwise noted.
T = total recoverable
t = total
tr = trout

D.O. = dissolved oxygen
DM = daily maximum
MWAT = maximum weekly average temperature
See 38.6 for details on TVS, TVS(tr), WS, temperature standards.

Notice of Proposed Rulemaking

Tracking number

2017-00351

Department

1000 - Department of Public Health and Environment

Agency

1002 - Water Quality Control Commission (1002 Series)

CCR number

5 CCR 1002-32

Rule title

REGULATION NO. 32 - CLASSIFICATIONS AND NUMERIC STANDARDS FOR
ARKANSAS RIVER BASIN

Rulemaking Hearing**Date**

12/11/2017

Time

12:00 PM

Location

Sabin Conference Room, CDPHE, 4300 Cherry Creek Drive South, Denver, CO 80246

Subjects and issues involved

new temporary modifications and revisions to current temporary modifications of water quality standards expiring on or before December 31, 2019, and new site specific standards that allow for the deletion of current temporary modifications expiring on or before December 31, 2019

Statutory authority

sections 25-8-202(1)(a), (b), and (2); 25-8-203; 25-8-204; and 25-8-402, C.R.S.

Contact information**Name**

Blake Beyea

Title

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COLORADO

Water Quality
Control Commission

Department of Public Health & Environment

NOTICE OF PUBLIC RULEMAKING HEARING BEFORE THE COLORADO WATER QUALITY CONTROL COMMISSION

SUBJECT:

For consideration of the adoption of new temporary modifications and revisions to current temporary modifications of water quality standards expiring on or before December 31, 2019, and new site specific standards that allow for the deletion of current temporary modifications expiring on or before December 31, 2019, for multiple segments in the Classifications and Numeric Standards for:

- Arkansas River Basin, Regulation #32 (5 CCR 1002-32);
- Upper Colorado River Basin and North Platte River, Regulation #33 (5 CCR 1002-33);
- Rio Grande Basin, Regulation #36 (5 CCR 1002-36);
- Lower Colorado River Basin, Regulation #37 (5 CCR 1002-37); and
- South Platte River Basin, Laramie River Basin, Republican River Basin, Smoky Hill River Basin, Regulation #38 (5 CCR 1002-38).

Proposed revisions and proposed Statements of Basis, Specific Statutory Authority and Purpose have been submitted by the following:

- Exhibit 1 - Regulation #32, Water Quality Control Division (division);
- Exhibit 2 - Regulation #33, division;
- Exhibit 3 - Regulation #36, division;
- Exhibit 4 - Regulation #37, division;
- Exhibit 5 - Regulation #38, division;
- Exhibit 6 - Regulation #33, Peabody Sage Creek Mining Company and Seneca Coal Company (Peabody_Seneca); and
- Exhibit 7 - Regulation #37, Tri-State Generation and Transmission Association, Inc. (Tri-State).

In these attachments, proposed new language is shown with double-underlining and proposed deletions are shown with ~~strikeouts~~. Any alternative proposals related to proposed new temporary modifications or current temporary modifications identified in Exhibits 1 through 7, with expiration dates on or before December 31, 2019, will also be considered.

SCHEDULE OF IMPORTANT DATES

Proponent's prehearing statement due	09/27/2017 5 pm	Additional information below.
Party status requests due	10/04/2017 5 pm	Additional information below.
Responsive prehearing statements due	10/27/2017 5 pm	Additional information below.

Rebuttal statements due	11/22/2017 5 pm	Additional information below.
Last date for submittal of motions	11/27/2017 5 pm	Additional information below.
Notify commission office if participating in prehearing conference by phone	11/27/2017 by noon	Send email to cdphe.wqcc@state.co.us with participant(s) name(s)
Prehearing Conference (mandatory for parties)	11/28/2017 2:00 pm	Florence Sabin Conference Room Department of Public Health and Environment 4300 Cherry Creek Drive South Denver, CO 80246 Call-in: 1-857-216-6700, Code: 425132
Rulemaking Hearing	12/11/2017 12:00 pm	Florence Sabin Conference Room Department of Public Health and Environment 4300 Cherry Creek Drive South Denver, CO 80246

HEARING SUBMITTALS:

For this hearing, the commission will receive all submittals electronically. Submittals must be provided as PDF documents, except for raw data exhibits which may be provided as Excel workbooks. Submittals may be emailed to cdphe.wqcc@state.co.us, provided via an FTP site, CD or flash drive, or otherwise conveyed to the commission office so as to be received no later than the specified date.

PARTY STATUS:

Party status requests must be in writing and must provide:

- the organization's name,
- one contact person,
- a mailing address,
- a phone number, and
- email addresses of all individuals associated with the party who wish to be notified when new submittals are available on the commission's website for review.

In accordance with section 25-8-104(2)(d), C.R.S., any person who believes that the actions proposed in this notice have the potential to cause material injury to his or her water rights is requested to so indicate, along with an explanation of the alleged harm, in their party status request.

PREHEARING AND REBUTTAL STATEMENTS:

Each party must submit a prehearing statement: parties that have proposed revisions attached as exhibits to the notice must submit a proponent's prehearing statement. All other parties must submit a responsive prehearing statement. Proponents may also submit responsive prehearing statements when there are multiple proposals attached to the notice.

Each prehearing and rebuttal statement must be provided as a separate PDF document from any accompanying written testimony or exhibits.

Following the rebuttal statement due date, no other written materials will be accepted from parties except for good cause shown.

Oral testimony at the hearing should primarily summarize written material previously submitted. The hearing will emphasize commission questioning of parties and other interested persons about their written prehearing submittals. Introduction of written material at the hearing by those with party status will not be permitted unless authorized by the commission.

PREHEARING CONFERENCE:

Attendance at the prehearing conference is mandatory for all persons requesting party status. Parties needing to participate by telephone are encouraged to notify the commission office prior to the prehearing conference. Remote participants can call 1-857-216-6700 and enter the conference code 425132.

Following the cut-off date for motions, no motions will be accepted, except for good cause shown.

PUBLIC PARTICIPATION ENCOURAGED:

The commission encourages input from non-parties, either orally at the hearing or in writing prior to the hearing. Written submissions should be emailed to cdphe.wgccc@state.co.us by November 29, 2017.

SPECIFIC STATUTORY AUTHORITY:

The provisions of sections 25-8-202(1)(a), (b), and (2); 25-8-203; 25-8-204; and 25-8-402, C.R.S., provide the specific statutory authority for consideration of the regulatory amendments proposed by this notice. Should the commission adopt the regulatory language as proposed in this notice or alternative amendments, it will also adopt, in compliance with section 24-4-103(4) C.R.S., an appropriate Statement of Basis, Specific Statutory Authority, and Purpose.

Dated this 8th day of August, 2017 at Denver, Colorado.

WATER QUALITY CONTROL COMMISSION



Digitally signed by Trisha Oeth
DN: cn=Trisha Oeth, o, ou=Water
Quality Control Commission,
email=trisha.oeth@state.co.us, c=US
Date: 2017.08.08 08:32:03 -06'00'

Trisha Oeth, Administrator

EXHIBIT 1
WATER QUALITY CONTROL DIVISION

COLORADO DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT
WATER QUALITY CONTROL COMMISSION

5 CCR 1002-32

REGULATION NO. 32
CLASSIFICATIONS AND NUMERIC STANDARDS
FOR
ARKANSAS RIVER BASIN

....

32.60 STATEMENT OF BASIS, SPECIFIC STATUTORY AUTHORITY AND PURPOSE; DECEMBER 11, 2017 RULEMAKING; FINAL ACTION JANUARY 8, 2018; EFFECTIVE DATE JUNE 30, 2018

The provisions of C.R.S. 25-8-202(1)(a), (b) and (2); 25-8-203; 25-8-204; and 25-8-402; provide the specific statutory authority for adoption of these regulatory amendments. The commission also adopted in compliance with 24-4-103(4) C.R.S. the following statement of basis and purpose.

BASIS AND PURPOSE

Pursuant to the requirements in the Basic Standards (at 31.7(3)), the commission reviewed the status of temporary modifications scheduled to expire before December 31, 2019 to determine whether the temporary modification should be modified, eliminated, or extended.

No action: The commission took no action on the temporary modifications on the following segments:

Upper Arkansas Segment 8b: temporary modifications of the temperature, cadmium, and zinc standards. The commission took no action on the temporary modification of the temperature standard. This temporary modification was deleted from the table because it expires 12/31/2017. For the temporary modifications of the cadmium and zinc standards (expire 12/31/2018), the commission took no action. Resurrection Mining Company presented evidence that they are making progress on the plan for eliminating the need for the temporary modifications. The commission made no change to the expiration date as the original time allotment was deemed adequate to resolve the uncertainty.

Middle Arkansas Segment 4b: temporary modifications of the ammonia, arsenic, boron, cadmium, chlorine, chlorophyll a, chromium III, chromium VI, copper, cyanide, D.O., E. coli, iron, lead, manganese, mercury, molybdenum, nickel, nitrate, nitrite, pH, phosphorus, selenium, silver, sulfide, and zinc standards (expire 12/31/2018). EVRAZ presented evidence that they are making progress on the plan for eliminating the need for the temporary modifications. The commission made no change to the expiration date as the original time allotment was deemed adequate to resolve the uncertainty.

Middle Arkansas Segment 6b: temporary modification of the temperature standard (expires 12/31/2018). Public Service Company of Colorado presented evidence that they are making

progress on the plan for eliminating the need for the temporary modifications. The commission made no change to the expiration date as the original time allotment was deemed adequate to resolve the uncertainty.

Lower Arkansas Segment 1a: temporary modifications of the selenium and sulfate standards (expire 12/31/2018). The City of Pueblo is making progress on its plans to seek a discharger specific variance (DSV). The commission made no change to the expiration date as the original time allotment was deemed adequate to resolve the uncertainty.

**COLORADO DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT
WATER QUALITY CONTROL COMMISSION**

5 CCR 1002-32

**REGULATION NO. 32
CLASSIFICATIONS AND NUMERIC STANDARDS
FOR
ARKANSAS RIVER BASIN**

**APPENDIX 32-1
Stream Classifications and Water Quality Standards Tables**

Effective ~~06/30/2017~~ 06/30/2018

REGULATION #32 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

Upper Arkansas River Basin

8b. Mainstem of Iowa Gulch from a point immediately below the historic upper ASARCO water supply intake at 39.224327, -106.223432 to a point immediately below the headgate of the Paddock #1 Ditch (Iowa Ditch).						
COARUA08B	Classifications	Physical and Biological			Metals (ug/L)	
Designation	Agriculture	DM		MWAT	acute	chronic
UP	Aq Life Cold 2	Temperature °C	CS-II	CS-II	Aluminum	---
	Recreation E	acute	chronic		Arsenic	340
Qualifiers:		D.O. (mg/L)	---	6.0	Beryllium	---
Other:		D.O. (spawning)	---	7.0	Cadmium	SSE*
Temporary Modification(s):		pH	6.5 - 9.0	---	Chromium III	TVS
Cadmium(chronic) = 1.6		chlorophyll a (mg/m2)	---	150	Chromium III	---
Zinc(acute) = 754		E. Coli (per 100 mL)	---	126	Chromium VI	TVS
Zinc(chronic) = 505		Inorganic (mg/L)			Copper	TVS
Expiration Date of 12/31/2018					Iron	---
temperature(DM) = No-acute-standard			acute	chronic	Lead	TVS
temperature(MWAT) = 14			TVS	TVS	Manganese	TVS
Expiration Date of 12/31/2017		Ammonia	---	0.75	Mercury	---
*Cadmium(acute) = (1.136672-		Boron	---	---	Molybdenum	---
[ln(hardness)*0.041838]*e^(0.9789*ln(hardness)-		Chloride	---	---	Nickel	TVS
3.5146)		Chlorine	0.019	0.011	Selenium	TVS
		Cyanide	---	---	Silver	TVS
		Nitrate	100	---	Uranium	---
		Nitrite	---	0.05	Zinc	TVS
		Phosphorus	---	0.11		
		Sulfate	---	---		
		Sulfide	---	0.002		

All metals are dissolved unless otherwise noted.
T = total recoverable
t = total
tr = trout

D.O. = dissolved oxygen
DM = daily maximum
MWAT = maximum weekly average temperature
See 32.6 for details on TVS, TVS(tr), WS, temperature standards.

REGULATION #32 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

Middle Arkansas River Basin

4b. Mainstem of Rock Creek, Salt Creek and Peck Creek from their sources to the confluence with the Arkansas River.						
COARMA04B Classifications		Physical and Biological			Metals (ug/L)	
Designation			DM	MWAT	acute	chronic
UP	Agriculture					
	Aq Life Warm 1	Temperature °C	WS-II	WS-II	Aluminum	---
	Recreation E		acute	chronic	Arsenic	340 7.6(T)
Qualifiers:		D.O. (mg/L)	---	5.0	Beryllium	---
Other:		pH	6.5 - 9.0	---	Cadmium	TVS TVS
Temporary Modification(s):		chlorophyll a (mg/m2)	---	150	Chromium III	TVS TVS
Ammonia(ac/ch) = current conditions		E. Coli (per 100 mL)	---	126	Chromium III	---
Arsenic(ac/ch) = current conditions		Inorganic (mg/L)			Chromium VI	TVS TVS
Boron(chronic) = current conditions			acute	chronic	Copper	TVS TVS
Cadmium(ac/ch) = current conditions		Ammonia	TVS	TVS	Iron	---
Chlorine(ac/ch) = current conditions		Boron	---	0.75	Lead	TVS TVS
chlorophyll a (mg/m2)(chronic) = current conditions		Chloride	---	---	Manganese	TVS TVS
Chromium III(chronic) = current conditions		Chlorine	0.019	0.011	Mercury	---
Chromium III(ac/ch) = current conditions		Cyanide	0.005	---	Molybdenum	---
Chromium VI(ac/ch) = current conditions		Nitrate	100	---	Nickel	TVS TVS
Copper(ac/ch) = current conditions		Nitrite	---	0.05	Selenium	TVS TVS
Cyanide(acute) = current conditions		Phosphorus	---	0.17	Silver	TVS TVS
D.O. (mg/L)(chronic) = current conditions		Sulfate	---	---	Uranium	---
E. Coli (per 100 mL)(chronic) = current conditions		Sulfide	---	0.002	Zinc	TVS TVS
Iron(chronic) = current conditions						
Lead(ac/ch) = current conditions						
Manganese(ac/ch) = current conditions						
Mercury(chronic) = current conditions						
Molybdenum(chronic) = current conditions						
Nickel(ac/ch) = current conditions						
Nitrate(acute) = current conditions						
Nitrite(chronic) = current conditions						
pH(acute) = current conditions						
Phosphorus(chronic) = current conditions						
Selenium(ac/ch) = current conditions						
Silver(ac/ch) = current conditions						
Sulfide(chronic) = current conditions						
Zinc(ac/ch) = current conditions						
Expiration Date of 12/31/2018						

All metals are dissolved unless otherwise noted.
T = total recoverable
t = total
tr = trout

D.O. = dissolved oxygen
DM = daily maximum
MWAT = maximum weekly average temperature
See 32.6 for details on TVS, TVS(tr), WS, temperature standards.

REGULATION #32 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

Middle Arkansas River Basin

6b. Mainstem of the Saint Charles River from the confluence with Edson Arroyo to the confluence with the Arkansas River.						
OARMA06B	Classifications	Physical and Biological			Metals (ug/L)	
Designation			DM	MWAT	acute	chronic
UP	Agriculture					
	Aq Life Warm 2	Temperature °C	WS-II	WS-II	Aluminum	---
	Recreation E		acute	chronic	Arsenic	340 0.02-10(T) ^A
	Water Supply	D.O. (mg/L)	---	5.0	Beryllium	---
Qualifiers:		pH	6.5 - 9.0	---	Cadmium	TVS
Other: Temporary Modification(s): temperature(DM/MWAT) = "current conditions" Expiration Date of 12/31/2018 *Selenium(acute) = See selenium assessment location at 32.6(4). *Selenium(chronic) = See selenium assessment location at 32.6(4).		chlorophyll a (mg/m2)	---	---	Chromium III	50(T) TVS
		E. Coli (per 100 mL)	---	126	Chromium VI	TVS
		Inorganic (mg/L)			Copper	TVS
			acute	chronic	Iron	---
		Ammonia	TVS	TVS	Iron	1000(T)
		Boron	---	0.75	Lead	TVS
		Chloride	---	250	Manganese	TVS
		Chlorine	---	0.011	Manganese	WS
		Cyanide	0.005	---	Mercury	0.01(t)
		Nitrate	10	---	Molybdenum	160(T)
		Nitrite	---	0.05	Nickel	TVS
		Phosphorus	---	---	Selenium	173* 50*
		Sulfate	---	WS	Silver	TVS
		Sulfide	---	0.002	Uranium	---
					Zinc	TVS

All metals are dissolved unless otherwise noted.
 T = total recoverable
 t = total
 tr = trout

D.O. = dissolved oxygen
 DM = daily maximum
 MWAT = maximum weekly average temperature
 See 32.6 for details on TVS, TVS(tr), WS, temperature standards.

REGULATION #32 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

Lower Arkansas River Basin

1a. Mainstem of the Arkansas River from a point immediately above the confluence with Fountain Creek to immediately above the Colorado Canal headgate near Avondale.							
COARLA01A	Classifications	Physical and Biological				Metals (ug/L)	
Designation			DM	MWAT		acute	chronic
UP	Agriculture						
	Aq Life Warm 2	Temperature °C	1/1 - 11/30	WS-II	WS-II	Aluminum	---
	Recreation E	Temperature °C	12/1 - 12/31	21.5	20.7	Arsenic	340
	Water Supply					Beryllium	0.02-10(T) ^A
Qualifiers:			acute	chronic			
Other:							
Temporary Modification(s):		D.O. (mg/L)	---	5.0		Cadmium	TVS
Selenium(ac/ch) = existing quality		pH	6.5 - 9.0	---		Chromium III	50(T)
Sulfate(chronic) = existing quality		chlorophyll a (mg/m2)	---	---		Chromium VI	TVS
Expiration Date of 12/31/2018		E. Coli (per 100 mL)	---	126		Copper	TVS
		Inorganic (mg/L)				Iron	---
			acute	chronic		Iron	2800(T)
		Ammonia	TVS	TVS		Lead	TVS
		Boron	---	0.75		Manganese	TVS
		Chloride	---	250		Manganese	---
		Chlorine	0.019	0.011		Mercury	0.01(t)
		Cyanide	0.005	---		Molybdenum	---
		Nitrate	10	---		Nickel	160(T)
		Nitrite	---	0.5		Selenium	TVS
		Phosphorus	---	---		Silver	19.1
		Sulfate	---	329		Uranium	14.1
		Sulfide	---	0.002		Zinc	TVS

All metals are dissolved unless otherwise noted.
T = total recoverable
t = total
tr = trout

D.O. = dissolved oxygen
DM = daily maximum
MWAT = maximum weekly average temperature
See 32.6 for details on TVS, TVS(tr), WS, temperature standards.

EXHIBIT 2
WATER QUALITY CONTROL DIVISION

COLORADO DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT
WATER QUALITY CONTROL COMMISSION

5 CCR 1002-33

REGULATION NO. 33
CLASSIFICATIONS AND NUMERIC STANDARDS
FOR
UPPER COLORADO RIVER BASIN AND
NORTH PLATTE RIVER (PLANNING REGION 12)

....

33.60 STATEMENT OF BASIS, SPECIFIC STATUTORY AUTHORITY AND PURPOSE; DECEMBER 11, 2017 RULEMAKING; FINAL ACTION JANUARY 8, 2018; EFFECTIVE DATE JUNE 30, 2018

The provisions of C.R.S. 25-8-202(1)(a), (b) and (2); 25-8-203; 25-8-204; and 25-8-402; provide the specific statutory authority for adoption of these regulatory amendments. The commission also adopted in compliance with 24-4-103(4) C.R.S. the following statement of basis and purpose.

BASIS AND PURPOSE

Pursuant to the requirements in the Basic Standards (at 31.7(3)), the commission reviewed the status of temporary modifications scheduled to expire before December 31, 2019 to determine whether the temporary modification should be modified, eliminated, or extended.

No action: The commission took no action on the temporary modifications on the following segments:

Blue River Segment 14: temporary modification of the molybdenum standard (expires 12/31/2017). The commission took no action on this temporary modification.

Yampa River Segments 13b, 13d, 13e, 13g, 13i: temporary modifications of the selenium (13b, 13d, 13e, 13g, 13i) and iron (13d, 13i) standards (expire 12/31/2018). Seneca-Peabody presented evidence that it is making progress on the plan for eliminating the need for the temporary modifications. The commission made no change to the expiration date of the temporary modifications on these segments as the original time allotment was deemed adequate to resolve the uncertainty.

New temporary modifications of the arsenic standard:

Consistent with the actions taken in 2013, the commission adopted a temporary modification of the arsenic standard on segments on the following list, with an expiration date of 12/31/2021. At the April 8, 2013 rulemaking, the commission heard testimony that concurred with the finding from a December 13, 2011 rulemaking hearing that an initial reasonable lower limit of treatment technology for arsenic is 3.0 µg/L, pending further investigation by the division, dischargers and stakeholders. The temporary modification was established by the commission to allow for a

temporarily less stringent application of the chronic arsenic standard in control requirements for both existing discharges and new or increased discharges.

Upper Colorado Segment 2
Blue River Segment 2a
Roaring Fork Segment 12
Yampa River Segment 2a

**COLORADO DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT
WATER QUALITY CONTROL COMMISSION**

5 CCR 1002-33

**REGULATION NO. 33
CLASSIFICATIONS AND NUMERIC STANDARDS
FOR
UPPER COLORADO RIVER BASIN AND
NORTH PLATTE RIVER (PLANNING REGION 12)**

**APPENDIX 33-1
Stream Classifications and Water Quality Standards Tables**

Effective 06/30/~~2017~~2018

REGULATION #33 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

Upper Colorado River Basin

2. Mainstem of the Colorado River, including all tributaries and wetlands within, or flowing into Arapahoe National Recreation Area.							
COUCUC02	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture		DM	MWAT	acute	chronic	
Reviewable	Aq Life Cold 1	Temperature °C	CS-I	CS-I	Aluminum	---	---
	Recreation E		acute	chronic	Arsenic	340	0.02(T)
	Water Supply	D.O. (mg/L)	---	6.0	Beryllium	---	---
		D.O. (spawning)	---	7.0	Cadmium	TVS(tr)	TVS
Qualifiers:		pH	6.5 - 9.0	---	Chromium III	50(T)	TVS
Other: <u>Temporary Modification(s):</u> <u>Arsenic(chronic) = hybrid</u> <u>Expiration Date of 12/31/2021</u>		chlorophyll a (mg/m2)	---	150	Chromium VI	TVS	TVS
		E. Coli (per 100 mL)	---	126	Copper	TVS	TVS
					Iron	---	WS
		Inorganic (mg/L)			Iron	---	1000(T)
			acute	chronic	Lead	TVS	TVS
		Ammonia	TVS	TVS	Manganese	TVS	TVS
		Boron	---	0.75	Manganese	---	WS
		Chloride	---	250	Mercury	---	0.01(t)
		Chlorine	0.019	0.011	Molybdenum	---	160(T)
		Cyanide	0.005	---	Nickel	TVS	TVS
		Nitrate	10	---	Selenium	TVS	TVS
		Nitrite	---	0.05	Silver	TVS	TVS(tr)
		Phosphorus	---	0.11	Uranium	---	---
		Sulfate	---	WS	Zinc	TVS	TVS
		Sulfide	---	0.002	Zinc	---	TVS(sc)

All metals are dissolved unless otherwise noted.
T = total recoverable
t = total
tr = trout
sc = sculpin

D.O. = dissolved oxygen
DM = daily maximum
MWAT = maximum weekly average temperature
See 33.6 for details on TVS, TVS(tr), TVS(sc), WS, temperature standards.

REGULATION #33 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

2a. Mainstem of the Blue River from the confluence with French Gulch to a point one half mile below Summit County Road 3.							
COUCBL02A		Classifications		Physical and Biological		Metals (ug/L)	
Designation	Agriculture		DM	MWAT		acute	chronic
UP	Aq Life Cold 1	Temperature °C	CS-I	CS-I	Aluminum	---	---
	Recreation E		acute	chronic	Arsenic	340	0.02(T)
	Water Supply	D.O. (mg/L)	---	6.0	Beryllium	---	---
Qualifiers:		D.O. (spawning)	---	7.0	Cadmium	4	4
Other:		pH	6.5 - 9.0	---	Chromium III	50(T)	TVS
Temporary Modification(s):		chlorophyll a (mg/m2)	---	150*	Chromium VI	TVS	TVS
Arsenic(chronic) = hybrid		E. Coli (per 100 mL)	---	126	Copper	TVS	TVS
Expiration Date of 12/31/2021					Iron	---	WS
		Inorganic (mg/L)			Iron	---	1000(T)
			acute	chronic	Lead	TVS	TVS
		Ammonia	TVS	TVS	Manganese	TVS	TVS
		Boron	---	0.75	Manganese	---	WS
		Chloride	---	250	Mercury	---	0.01(t)
		Chlorine	0.019	0.011	Molybdenum	---	160(T)
		Cyanide	0.005	---	Nickel	TVS	TVS
		Nitrate	10	---	Selenium	TVS	TVS
		Nitrite	---	0.05	Silver	TVS	TVS(tr)
		Phosphorus	---	0.11*	Uranium	---	---
		Sulfate	---	WS	Zinc	SSE*	SSE*
		Sulfide	---	0.002			
14. Mainstem of Tennile Creek, including all tributaries and wetlands from a point immediately above the confluence with West Tennile Creek to Dillon Reservoir, except for the specific listing in Segment 16.							
COUCBL14		Classifications		Physical and Biological		Metals (ug/L)	
Designation	Agriculture		DM	MWAT		acute	chronic
Reviewable	Aq Life Cold 1	Temperature °C	CS-I	CS-I	Aluminum	---	---
	Recreation E		acute	chronic	Arsenic	340	0.02(T)
	Water Supply	D.O. (mg/L)	---	6.0	Beryllium	---	---
Qualifiers:		D.O. (spawning)	---	7.0	Cadmium	TVS(tr)	TVS
Other:		pH	6.5 - 9.0	---	Chromium III	50(T)	TVS
Temporary Modification(s):		chlorophyll a (mg/m2)	---	150*	Chromium VI	TVS	TVS
Arsenic(chronic) = hybrid		E. Coli (per 100 mL)	---	126	Copper	TVS	TVS
Expiration Date of 12/31/2021					Iron	---	WS
Molybdenum(chronic) = current conditions		Inorganic (mg/L)			Iron	---	1000(T)
Expiration Date of 12/31/2017			acute	chronic	Lead	TVS	TVS
		Ammonia	TVS	TVS	Manganese	TVS	TVS
		Boron	---	0.75	Manganese	---	WS
		Chloride	---	250	Mercury	---	0.01(t)
		Chlorine	0.019	0.011	Molybdenum	---	210(T)
		Cyanide	0.005	---	Nickel	TVS	TVS
		Nitrate	10	---	Selenium	TVS	TVS
		Nitrite	---	0.05	Silver	TVS	TVS(tr)
		Phosphorus	---	0.11*	Uranium	---	---
		Sulfate	---	WS	Zinc	TVS	TVS
		Sulfide	---	0.002	Zinc	---	TVS(sc)

All metals are dissolved unless otherwise noted.
T = total recoverable
t = total
tr = trout
sc = sculpin

D.O. = dissolved oxygen
DM = daily maximum
MWAT = maximum weekly average temperature
See 33.6 for details on TVS, TVS(tr), TVS(sc), WS, temperature standards.

REGULATION #33 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS Roaring Fork River Basin

12. All lakes and reservoirs tributary to the Roaring Fork River except for specific listings in Segment 11.								
COUCRF12	Classifications	Physical and Biological			Metals (ug/L)			
Designation	Agriculture		DM	MWAT	acute	chronic		
Reviewable	Aq Life Cold 1	Temperature °C	4/1 - 12/31	CLL*	20.3* ^B	Aluminum	---	---
	Recreation E	Temperature °C		CL,CLL	CL,CLL	Arsenic	340	0.02(T)
	Water Supply					Beryllium	---	---
	DUWS*					Cadmium	TVS(tr)	TVS
Qualifiers:			acute	chronic	Chromium III	50(T)	TVS	
Other:		D.O. (mg/L)	---	6.0	Chromium VI	TVS	TVS	
<u>Temporary Modification(s):</u>		D.O. (spawning)	---	7.0	Copper	TVS	TVS	
<u>Arsenic(chronic) = hybrid</u>		pH	6.5 - 9.0	---	Iron	---	WS	
<u>Expiration Date of 12/31/2021</u>		chlorophyll a (ug/L)	---	8*	Iron	---	1000(T)	
		E. Coli (per 100 mL)	---	126	Lead	TVS	TVS	
					Manganese	TVS	TVS	
		Inorganic (mg/L)			Manganese	---	WS	
			acute	chronic	Mercury	---	0.01(t)	
		Ammonia	TVS	TVS	Molybdenum	---	160(T)	
		Boron	---	0.75	Nickel	TVS	TVS	
		Chloride	---	250	Selenium	TVS	TVS	
		Chlorine	0.019	0.011	Silver	TVS	TVS(tr)	
		Cyanide	0.005	---	Uranium	---	---	
		Nitrate	10	---	Zinc	TVS	TVS	
		Nitrite	---	0.05				
		Phosphorus	---	0.025*				
		Sulfate	---	WS				
		Sulfide	---	0.002				

All metals are dissolved unless otherwise noted.
T = total recoverable
t = total
tr = trout
sc = sculpin

D.O. = dissolved oxygen
DM = daily maximum
MWAT = maximum weekly average temperature
See 33.6 for details on TVS, TVS(tr), TVS(sc), WS, temperature standards.

REGULATION #33 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

Yampa River Basin

2a. Mainstem of the Yampa River from the confluence with Wheeler Creek to a point immediately above the confluence with Oak Creek.						
COUCYA02A	Classifications	Physical and Biological			Metals (ug/L)	
Designation	Agriculture	DM	MWAT	acute	chronic	
Reviewable	Aq Life Cold 1	Temperature °C	CS-I	CS-I	Aluminum	---
	Recreation E	acute	chronic	Arsenic	340	0.02(T)
	Water Supply	D.O. (mg/L)	---	6.0	Beryllium	---
Qualifiers:		D.O. (spawning)	---	7.0	Cadmium	TVS(tr)
Other:		pH	6.5 - 9.0	---	Chromium III	50(T)
Temporary Modification(s):		chlorophyll a (mg/m2)	---	150*	Chromium VI	TVS
Arsenic(chronic) = hybrid		E. Coli (per 100 mL)	---	126	Copper	TVS
Expiration Date of 12/31/2021					Iron	---
		Inorganic (mg/L)			Iron	---
		acute	chronic		Lead	TVS
		Ammonia	TVS	TVS	Manganese	TVS
		Boron	---	0.75	Manganese	---
		Chloride	---	250	Mercury	---
		Chlorine	0.019	0.011	Molybdenum	---
		Cyanide	0.005	---	Nickel	TVS
		Nitrate	10	---	Selenium	TVS
		Nitrite	---	0.05	Silver	TVS
		Phosphorus	---	0.11*	Uranium	---
		Sulfate	---	WS	Zinc	TVS
		Sulfide	---	0.002	Zinc	---
13b. Mainstem of Foidel Creek, including all tributaries and wetlands. Mainstem Fish Creek, including all tributaries from County Road 27 downstream to the confluence with Trout Creek, except for specific listings in Segment 13g. Middle Creek and all tributaries, from County Road 27 downstream to the confluence with Trout Creek.						
COUCYA13B	Classifications	Physical and Biological			Metals (ug/L)	
Designation	Agriculture	DM	MWAT	acute	chronic	
Reviewable	Aq Life Warm 1	Temperature °C	WS-II	WS-II	Aluminum	---
	Recreation E	acute	chronic	Arsenic	340	7.6(T)
Qualifiers:		D.O. (mg/L)	---	6.0	Beryllium	---
Other:		D.O. (spawning)	---	7.0	Cadmium	TVS(tr)
Temporary Modification(s):		pH	6.5 - 9.0	---	Chromium III	TVS
Selenium(chronic) = current conditions*		chlorophyll a (mg/m2)	---	150	Chromium III	---
Expiration Date of 12/31/2018		E. Coli (per 100 mL)	---	126	Chromium VI	TVS
					Copper	TVS
		Inorganic (mg/L)			Iron	---
		acute	chronic		Iron	3/1 - 6/30
		Ammonia	TVS	TVS	Lead	TVS
		Boron	---	0.75	Manganese	TVS
		Chloride	---	---	Mercury	---
		Chlorine	0.019	0.011	Molybdenum	---
		Cyanide	0.005	---	Nickel	TVS
		Nitrate	100	---	Selenium	TVS
		Nitrite	---	0.05	Silver	TVS
		Phosphorus	---	0.11	Uranium	---
		Sulfate	---	---	Zinc	TVS
		Sulfide	---	0.002		

All metals are dissolved unless otherwise noted.
T = total recoverable
t = total
tr = trout
sc = sculpin

D.O. = dissolved oxygen
DM = daily maximum
MWAT = maximum weekly average temperature
See 33.6 for details on TVS, TVS(tr), TVS(sc), WS, temperature standards.

REGULATION #33 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS Yampa River Basin

13d. Mainstem of Dry Creek, including all tributaries and wetlands, from the source to just above the confluence with Temple Gulch.						
COUCYA13D	Classifications	Physical and Biological			Metals (ug/L)	
Designation	Agriculture		DM	MWAT		
UP	Aq Life Warm 2	Temperature °C	WS-II	WS-II	Aluminum	---
	Recreation E		acute	chronic	Arsenic	340
Qualifiers:		D.O. (mg/L)	---	5.0	Beryllium	---
Other:		pH	6.5 - 9.0	---	Cadmium	TVS
Temporary Modification(s):		chlorophyll a (mg/m2)	---	150	Chromium III	TVS
Iron(chronic) = current condition		E. Coli (per 100 mL)	---	126	Chromium III	---
Selenium(chronic) = current conditions		Inorganic (mg/L)			Chromium VI	TVS
Expiration Date of 12/31/2018			acute	chronic	Copper	TVS
*Iron(chronic) = See section 33.6(4) for iron assessment locations.		Ammonia	TVS	TVS	Iron	5/1 - 2/29
*Iron(chronic) = See section 33.6(4) for iron assessment locations.		Boron	---	0.75	Iron	3/1 - 4/30
		Chloride	---	---	Lead	TVS
		Chlorine	0.019	0.011	Manganese	TVS
		Cyanide	0.005	---	Mercury	---
		Nitrate	100	---	Molybdenum	---
		Nitrite	---	0.05	Nickel	TVS
		Phosphorus	---	0.17	Selenium	TVS
		Sulfate	---	---	Silver	TVS
		Sulfide	---	0.002	Uranium	---
					Zinc	TVS
13e. Mainstem of Sage Creek, including all tributaries and wetlands, from its sources to the confluence with the Yampa River.						
COUCYA13E	Classifications	Physical and Biological			Metals (ug/L)	
Designation	Agriculture		DM	MWAT		
UP	Aq Life Warm 2	Temperature °C	WS-II	WS-II	Aluminum	---
	Recreation N		acute	chronic	Arsenic	340
Qualifiers:		D.O. (mg/L)	---	5.0	Beryllium	---
Other:		pH	6.5 - 9.0	---	Cadmium	TVS
Temporary Modification(s):		chlorophyll a (mg/m2)	---	---	Chromium III	TVS
Selenium(chronic) = current conditions		E. Coli (per 100 mL)	---	630	Chromium III	---
Expiration Date of 12/31/2018		Inorganic (mg/L)			Chromium VI	TVS
*Iron(chronic) = 1,000(T) ug/L on Lower Sage Creek. See section 33.6(4) for iron assessment locations.			acute	chronic	Copper	TVS
*Iron(chronic) = 1,250(T) ug/L on Upper Sage Creek. Break between Upper and Lower Sage Creek is the west border of Section 18, T5N, R87W. See section 33.6(4) for iron assessment locations.		Ammonia	TVS	TVS	Iron	---
		Boron	---	0.75	Iron	---
		Chloride	---	---	Lead	TVS
		Chlorine	0.019	0.011	Manganese	TVS
		Cyanide	0.005	---	Mercury	---
		Nitrate	100	---	Molybdenum	---
		Nitrite	---	0.05	Nickel	TVS
		Phosphorus	---	0.17	Selenium	TVS
		Sulfate	---	---	Silver	TVS
		Sulfide	---	0.002	Uranium	---
					Zinc	TVS

All metals are dissolved unless otherwise noted.
T = total recoverable
t = total
tr = trout
sc = sculpin

D.O. = dissolved oxygen
DM = daily maximum
MWAT = maximum weekly average temperature
See 33.6 for details on TVS, TVS(tr), TVS(sc), WS, temperature standards.

REGULATION #33 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

Yampa River Basin

13g. All tributaries to Fish Creek from the confluence with Cow Camp Creek to the confluence with Trout Creek,						
COUCYA13G	Classifications	Physical and Biological			Metals (ug/L)	
Designation	Agriculture	DM	MWAT	acute	chronic	
Reviewable	Aq Life Warm 1	Temperature °C	WS-II	WS-II	Aluminum	---
	Recreation E	acute	chronic	Arsenic	340	7.6(T)
Qualifiers:		D.O. (mg/L)	---	5.0	Beryllium	---
Other:		pH	6.5 - 9.0	---	Cadmium	TVS(tr)
Temporary Modification(s):		chlorophyll a (mg/m2)	---	150	Chromium III	TVS
Selenium(chronic) = current conditions		E. Coli (per 100 mL)	---	126	Chromium VI	TVS
Expiration Date of 12/31/2018		Inorganic (mg/L)			Copper	TVS
		acute	chronic	Iron	---	1000(T)
		Ammonia	TVS	TVS	Lead	TVS
		Boron	---	0.75	Manganese	TVS
		Chloride	---	---	Mercury	---
		Chlorine	0.019	0.011	Molybdenum	---
		Cyanide	0.005	---	Nickel	TVS
		Nitrate	100	---	Selenium	TVS
		Nitrite	---	0.05	Silver	TVS
		Phosphorus	---	0.17	Uranium	---
		Sulfate	---	---	Zinc	TVS
		Sulfide	---	0.002		

13i. Mainstem of Grassy Creek, including all tributaries and wetlands, from the source to immediately above the confluence with Scotchmans Gulch.						
COUCYA13I	Classifications	Physical and Biological			Metals (ug/L)	
Designation	Agriculture	DM	MWAT	acute	chronic	
UP	Aq Life Warm 2	Temperature °C	WS-II	WS-II	Aluminum	---
	Recreation N	acute	chronic	Arsenic	340	100(T)
Qualifiers:		D.O. (mg/L)	---	5.0	Beryllium	---
Other:		pH	6.5 - 9.0	---	Cadmium	TVS
Temporary Modification(s):		chlorophyll a (mg/m2)	---	---	Chromium III	TVS
Iron(chronic) = current conditions*		E. Coli (per 100 mL)	---	630	Chromium VI	TVS
Selenium(chronic) = current conditions		Inorganic (mg/L)			Copper	TVS
Expiration Date of 12/31/2018		acute	chronic	Iron	---	1000(T)*
*Iron(chronic) = See section 33.6(4) for iron assessment locations.		Ammonia	TVS	TVS	Lead	TVS
*TempMod: Iron = for Grassy Creek.		Boron	---	0.75	Manganese	TVS
		Chloride	---	---	Mercury	---
		Chlorine	0.019	0.011	Molybdenum	---
		Cyanide	0.005	---	Nickel	TVS
		Nitrate	100	---	Selenium	TVS
		Nitrite	---	0.05	Silver	TVS
		Phosphorus	---	0.17	Uranium	---
		Sulfate	---	---	Zinc	TVS
		Sulfide	---	0.002		

All metals are dissolved unless otherwise noted.
T = total recoverable
t = total
tr = trout
sc = sculpin

D.O. = dissolved oxygen
DM = daily maximum
MWAT = maximum weekly average temperature
See 33.6 for details on TVS, TVS(tr), TVS(sc), WS, temperature standards.

EXHIBIT 3
WATER QUALITY CONTROL DIVISION

COLORADO DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT
WATER QUALITY CONTROL COMMISSION

5 CCR 1002-36

REGULATION NO. 36
CLASSIFICATIONS AND NUMERIC STANDARDS
FOR
RIO GRANDE BASIN

....

36.41 STATEMENT OF BASIS, SPECIFIC STATUTORY AUTHORITY AND PURPOSE; DECEMBER 11, 2017 RULEMAKING; FINAL ACTION JANUARY 8, 2018; EFFECTIVE DATE JUNE 30, 2018

The provisions of C.R.S. 25-8-202(1)(a), (b) and (2); 25-8-203; 25-8-204; and 25-8-402; provide the specific statutory authority for adoption of these regulatory amendments. The commission also adopted in compliance with 24-4-103(4) C.R.S. the following statement of basis and purpose.

BASIS AND PURPOSE

Pursuant to the requirements in the Basic Standards (at 31.7(3)), the commission reviewed the status of temporary modifications scheduled to expire before December 31, 2019 to determine whether the temporary modification should be modified, eliminated, or extended.

No action: The commission took no action on the temporary modifications on the following segments:

Rio Grande Segments 4a and 7: temporary modifications of the standards on Rio Grande Segment 4a (cadmium, lead, zinc, and ammonia) and Segment 7 (cadmium, copper, lead, silver, zinc, ammonia); expire 12/31/2018. Both the Town of Creede and Rio Grande Silver presented evidence that they are making progress on the plan for eliminating the need for need for the temporary modifications. The commission took no action on the temporary modifications on these two segments as the original time allotment was deemed adequate to resolve the uncertainty.

**COLORADO DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT
WATER QUALITY CONTROL COMMISSION**

5 CCR 1002-36

**REGULATION NO. 36
CLASSIFICATIONS AND NUMERIC STANDARDS
FOR
RIO GRANDE BASIN**

**APPENDIX 36-1
Stream Classifications and Water Quality Standards Tables**

Effective 06/30/~~2017~~2018

REGULATION #36 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

4a. Mainstem of the Rio Grande from a point immediately above the confluence with Willow Creek to a point immediately above the confluence with the South Fork Rio Grande.										
CORGRG04A		Classifications			Physical and Biological			Metals (ug/L)		
Designation	Agriculture		DM	MWAT		acute	chronic			
Reviewable	Aq Life Cold 1	Temperature °C	CS-II	CS-II	Aluminum	---	---			
	Recreation E		acute	chronic	Arsenic	340	0.02(T)			
	Water Supply	D.O. (mg/L)	---	6.0	Beryllium	---	---			
		D.O. (spawning)	---	7.0	Cadmium	varies*	varies*			
Qualifiers:		pH	6.5 - 9.0	---	Chromium III	50(T)	TVS			
Other: Temporary Modification(s): Ammonia(ac/ch) = current conditions Cadmium(chronic) = current condition Lead(chronic) = current condition Zinc(chronic) = current condition Expiration Date of 12/31/2018 Arsenic(chronic) = hybrid Expiration Date of 12/31/2021 *Cadmium(acute) = See 36.6(4) for site-specific standards and assessment locations. *Cadmium(chronic) = See 36.6(4) for site-specific standards and assessment locations. *Lead(chronic) = See 36.6(4) for site-specific standards and assessment locations. *Manganese(chronic) = See 36.6(4) for site-specific standards and assessment locations. *Zinc(acute) = See 36.6(4) for site-specific standards and assessment locations. *Zinc(chronic) = See 36.6(4) for site-specific standards and assessment locations.		chlorophyll a (mg/m2)	---	---	Chromium VI	TVS	TVS			
		E. Coli (per 100 mL)	---	126	Copper	TVS	TVS			
					Iron	---	WS			
		Inorganic (mg/L)			Iron	---	1000(T)			
			acute	chronic	Lead	TVS	varies*			
		Ammonia	TVS	TVS	Manganese	TVS	varies*			
		Boron	---	0.75	Mercury	---	0.01(T)			
		Chloride	---	250	Molybdenum	---	160(T)			
		Chlorine	0.019	0.011	Nickel	TVS	TVS			
		Cyanide	0.005	---	Selenium	TVS	TVS			
		Nitrate	10	---	Silver	TVS	TVS(tr)			
		Nitrite	---	0.05	Uranium	---	---			
		Phosphorus	---	---	Zinc	varies*	varies*			
		Sulfate	---	WS						
		Sulfide	---	0.002						

All metals are dissolved unless otherwise noted.
T = total recoverable
t = total
tr = trout

D.O. = dissolved oxygen
DM = daily maximum
MWAT = maximum weekly average temperature
See 36.6 for details on TVS, TVS(tr), WS, temperature standards.

REGULATION #36 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

Rio Grande River Basin

7. Mainstem of West Willow Creek from the Park Regent Mine dump to the confluence with East Willow Creek. Mainstem of Willow Creek, including all tributaries from the confluence of East and West Willow Creeks, to the confluence with the Rio Grande.

CORGRG07	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture	DM		MWAT	acute		chronic
UP	Aq Life Cold 2	Temperature °C	CS-II	CS-II	Aluminum	---	---
	Recreation E	acute	chronic		Arsenic	340	100(T)
Qualifiers:		D.O. (mg/L)	---	6.0	Beryllium	---	---
Other:		D.O. (spawning)	---	7.0	Cadmium	varies*	varies*
Temporary Modification(s):		pH	6.5 - 9.0	---	Chromium III	TVS	TVS
Ammonia(ac/ch) = current conditions*		chlorophyll a (mg/m2)	---	150*	Chromium III	---	100(T)
Cadmium(ac/ch) = varies*		E. Coli (per 100 mL)	---	126	Chromium VI	TVS	TVS
Copper(ac/ch) = varies*					Copper	varies*	varies*
Lead(ac/ch) = varies*		Inorganic (mg/L)			Iron	---	1000(T)
Silver(acute) = varies*		acute	chronic		Lead	varies*	varies*
Zinc(ac/ch) = varies*		Ammonia	TVS	TVS	Manganese	varies*	varies*
Expiration Date of 12/31/2018		Boron	---	0.75	Mercury	---	0.01(T)
*chlorophyll a (mg/m2)(chronic) = applies only above the facilities listed at 36.5(4).		Chloride	---	---	Molybdenum	---	160(T)
*Phosphorus(chronic) = applies only above the facilities listed at 36.5(4).		Chlorine	---	0.011	Nickel	TVS	TVS
*Cadmium(acute) = See 36.6(4) for temporary modifications, site-specific standards and assessment locations.		Cyanide	0.005	---	Selenium	TVS	TVS
Cadmium(chronic) = See 36.6(4) for temporary modifications, site-specific standards and assessment locations.		Nitrate	100	---	Silver	varies	TVS
*Copper(acute) = See 36.6(4) for temporary modifications, site-specific standards and assessment locations.		Nitrite	---	10	Uranium	---	---
Copper(chronic) = See 36.6(4) for temporary modifications, site-specific standards and assessment locations.		Phosphorus	---	0.11	Zinc	varies*	varies*
*Lead(acute) = See 36.6(4) for temporary modifications, site-specific standards and assessment locations.		Sulfate	---	---			
*Lead(chronic) = See 36.6(4) for temporary modifications, site-specific standards and assessment locations.		Sulfide	---	0.002			
*Manganese(acute) = See 36.6(4) for site-specific standards and assessment locations.							
*Manganese(chronic) = See 36.6(4) for site-specific standards and assessment locations.							
*Silver(acute) = See 36.6(4) for temporary modifications, site-specific standards and assessment locations.							
*Zinc(acute) = See 36.6(4) for temporary modifications, site-specific standards and assessment locations.							
*Zinc(chronic) = See 36.6(4) for temporary modifications, site-specific standards and assessment locations.							
*TempMod: Ammonia = Willow below Creede WWTF.							
*TempMod: Cadmium = See 36.6(4) for temporary modifications and assessment locations.							
*TempMod: Copper = See 36.6(4) for temporary modifications and assessment locations.							
*TempMod: Lead = See 36.6(4) for temporary modifications and assessment locations.							
*TempMod: Silver = See 36.6(4) for temporary modifications and assessment locations.							
*TempMod: Zinc = See 36.6(4) for temporary modifications and assessment locations.							

All metals are dissolved unless otherwise noted.
T = total recoverable
t = total
tr = trout

D.O. = dissolved oxygen
DM = daily maximum
MWAT = maximum weekly average temperature
See 36.6 for details on TVS, TVS(tr), WS, temperature standards.

EXHIBIT 4
WATER QUALITY CONTROL DIVISION

COLORADO DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT
WATER QUALITY CONTROL COMMISSION

5 CCR 1002-37

REGULATION NO. 37
CLASSIFICATIONS AND NUMERIC STANDARDS
FOR
LOWER COLORADO RIVER BASIN

.....

37.38 STATEMENT OF BASIS, SPECIFIC STATUTORY AUTHORITY AND PURPOSE; DECEMBER 11, 2017 RULEMAKING; FINAL ACTION JANUARY 8, 2018; EFFECTIVE DATE JUNE 30, 2018

The provisions of C.R.S. 25-8-202(1)(a), (b) and (2); 25-8-203; 25-8-204; and 25-8-402; provide the specific statutory authority for adoption of these regulatory amendments. The Commission also adopted in compliance with 24-4-103(4) C.R.S. the following statement of basis and purpose.

BASIS AND PURPOSE

Pursuant to the requirements in the Basic Standards (at 31.7(3)), the commission reviewed the status of temporary modifications scheduled to expire before December 31, 2019 to determine whether the temporary modification should be modified, eliminated, or extended.

No action: The commission took no action on the temporary modifications on the following segments:

Lower Colorado Segment 4e: temporary modifications of the copper (expires 12/31/2019) and iron (expires 12/31/2018) standards. Tri-State Power and Generation presented evidence that it is making progress on the plan for eliminating the need for the temporary modifications. The commission took no action on the temporary modifications on this segment as the original time allotment was deemed adequate to resolve the uncertainty.

**COLORADO DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT
WATER QUALITY CONTROL COMMISSION**

5 CCR 1002-37

**REGULATION NO. 37
CLASSIFICATIONS AND NUMERIC STANDARDS
FOR
LOWER COLORADO RIVER BASIN**

**APPENDIX 37-1
Stream Classifications and Water Quality Standards Tables**

Effective 06/30/~~2017~~2018

REGULATION #37 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

Lower Colorado River

4e. Mainstem of Dry Creek including all tributaries and wetlands from the source to immediately above the Last Chance Ditch.						
COLCLC04E	Classifications	Physical and Biological			Metals (ug/L)	
Designation			DM	MWAT	acute	chronic
UP	Agriculture					
	Aq Life Cold 2	Temperature °C	CS-II	CS-II	Aluminum	---
	Recreation N		acute	chronic	Arsenic	340
Qualifiers:		D.O. (mg/L)	---	5.0	Beryllium	---
Other:		pH	6.5 - 9.0	---	Cadmium	TVS
Temporary Modification(s):		chlorophyll a (mg/m2)	---	---	Chromium III	TVS
Copper(ac/ch) = current conditions		E. Coli (per 100 mL)	---	630	Chromium III	---
Expiration Date of 12/31/2019		Inorganic (mg/L)			Chromium VI	TVS
Iron(chronic) = current conditions			acute	chronic	Copper	TVS
Expiration Date of 12/31/2018		Ammonia	TVS	TVS	Iron	---
*Phosphorus(chronic) = applies only above the facilities listed at 37.5(4).		Boron	---	0.75	Lead	TVS
		Chloride	---	---	Manganese	TVS
		Chlorine	0.019	0.011	Mercury	---
		Cyanide	0.005	---	Molybdenum	---
		Nitrate	100	---	Nickel	TVS
		Nitrite	---	0.05	Selenium	TVS
		Phosphorus	---	0.11*	Silver	TVS
		Sulfate	---	---	Uranium	---
		Sulfide	---	0.002	Zinc	TVS

All metals are dissolved unless otherwise noted.
T = total recoverable
t = total
tr = trout
sc = sculpin

D.O. = dissolved oxygen
DM = daily maximum
MWAT = maximum weekly average temperature
See 37.6 for details on TVS, TVS(tr), TVS(sc), WS, temperature standards.

EXHIBIT 5
WATER QUALITY CONTROL DIVISION

COLORADO DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT
WATER QUALITY CONTROL COMMISSION

5 CCR 1002-38

REGULATION NO. 38
CLASSIFICATIONS AND NUMERIC STANDARDS
FOR
SOUTH PLATTE RIVER BASIN, LARAMIE RIVER BASIN,
REPUBLICAN RIVER BASIN, SMOKY HILL RIVER BASIN

....

38.97 STATEMENT OF BASIS, SPECIFIC STATUTORY AUTHORITY AND PURPOSE; DECEMBER 11, 2017 RULEMAKING; FINAL ACTION JANUARY 8, 2018; EFFECTIVE DATE JUNE 30, 2018

The provisions of C.R.S. 25-8-202(1)(a), (b) and (2); 25-8-203; 25-8-204; and 25-8-402; provide the specific statutory authority for adoption of these regulatory amendments. The commission also adopted in compliance with 24-4-103(4) C.R.S. the following statement of basis and purpose.

BASIS AND PURPOSE

Pursuant to the requirements in the Basic Standards (at 31.7(3)), the commission reviewed the status of temporary modifications scheduled to expire before December 31, 2019 to determine whether the temporary modification should be modified, eliminated, or extended.

No action: The commission took no action on the temporary modifications on the following segments:

Upper South Platte Segment 3: temporary modification of the ammonia standard below the Florissant Wastewater Treatment Facility (expires 12/31/2017). The Town of Florissant obtained funding to upgrade its facility and a progress report indicated the facility is on track to comply with ammonia effluent limits. The commission took no action on this temporary modification and it was deleted from the table because it expires 12/31/2017.

Upper South Platte Segment 10a: temporary modifications of the copper (expires 12/31/2018; applies below the Plum Creek Water Reclamation Authority) and manganese (expires 6/30/2019) standards. Plum Creek Water Reclamation Authority continues to make progress on resolving the uncertainty underlying both temporary modifications. The commission made no change to the expiration date as the original time allotment was deemed adequate to resolve the uncertainty.

Clear Creek Segments 11, 14a, 14b, and 15: temporary modification of the temperature standard (expires 6/30/2019). Miller Coors continues to make progress on resolving the uncertainty. The commission made no change to the expiration date as the original time allotment was deemed adequate to resolve the uncertainty.

Clear Creek Segment 13b: temporary modification of the cadmium standard (expires 12/31/2018). Black Hawk and Central City Sanitation District continues to make progress on resolving the uncertainty. The commission made no change to the expiration date as the original time allotment was deemed adequate to resolve the uncertainty.

New temporary modifications of the arsenic standard:

Consistent with the actions taken in 2013, the commission adopted a temporary modification of the arsenic standard on segments on the following list, with an expiration date of 12/31/2021. At the April 8, 2013 rulemaking, the commission heard testimony that concurred with the finding from a December 13, 2011 rulemaking hearing that an initial reasonable lower limit of treatment technology for arsenic is 3.0 µg/L, pending further investigation by the division, dischargers and stakeholders. The temporary modification was established by the commission to allow for a temporarily less stringent application of the chronic arsenic standard in control requirements for both existing discharges and new or increased discharges.

Cherry Creek Segment 3
Boulder Creek Segment 7b

**COLORADO DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT
WATER QUALITY CONTROL COMMISSION**

5 CCR 1002-38

**REGULATION NO. 38
CLASSIFICATIONS AND NUMERIC STANDARDS
FOR
SOUTH PLATTE RIVER BASIN, LARAMIE RIVER BASIN
REPUBLICAN RIVER BASIN, SMOKY HILL RIVER BASIN**

**APPENDIX 38-1
Stream Classifications and Water Quality Standards Tables**

Effective 06/30/~~2017~~2018

REGULATION #38 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

Upper South Platte River Basin

3. All tributaries to the South Platte River, including all wetlands from a point immediately below the confluence with Tarryall Creek to a point immediately above the confluence with the North Fork of the South Platte River, except for specific listings in Segment 1b.

COSPUS03	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture		DM	MWAT		acute	chronic
Reviewable	Aq Life Cold 1	Temperature °C	CS-I	CS-I	Aluminum	---	---
	Recreation E		acute	chronic	Arsenic	340	0.02(T)
	Water Supply	D.O. (mg/L)	---	6.0	Beryllium	---	---
Qualifiers:		D.O. (spawning)	---	7.0	Cadmium	TVS(tr)	TVS
Other:		pH	6.5 - 9.0	---	Cadmium	5.0(T)	---
Temporary Modification(s):		chlorophyll a (mg/m2)	---	150*	Chromium III	50(T)	TVS
Ammonia(ac/ch) = current condition*		E. Coli (per 100 mL)	---	126	Chromium VI	TVS	TVS
Expiration Date of 12/31/2017					Copper	TVS	TVS
Arsenic(chronic) = hybrid		Inorganic (mg/L)			Iron	---	WS
Expiration Date of 12/31/2021			acute	chronic	Iron	---	1000(T)
*chlorophyll a (mg/m2)(chronic) = applies only above the facilities listed at 38.5(4).		Ammonia	TVS	TVS	Lead	TVS	TVS
*Phosphorus(chronic) = applies only above the facilities listed at 38.5(4).		Boron	---	0.75	Lead	50(T)	---
*TempMod: Ammonia = below the Florissant Wastewater Treatment Facility outfall.		Chloride	---	250	Manganese	TVS	TVS
		Chlorine	0.019	0.011	Manganese	---	WS
		Cyanide	0.005	---	Mercury	---	0.01(t)
		Nitrate	10	---	Molybdenum	---	150(T)
		Nitrite	---	0.05	Nickel	TVS	TVS
		Phosphorus	---	0.11*	Nickel	---	100(T)
		Sulfate	---	WS	Selenium	TVS	TVS
		Sulfide	---	0.002	Silver	TVS	TVS(tr)
					Uranium	---	---
					Zinc	TVS	TVS

10a. Mainstems of East Plum Creek, West Plum Creek, and Plum Creek from the boundary of National Forest lands to Chatfield Reservoir, mainstems of Stark Creek and Gove Creek from the boundary of National Forest lands to their confluence.

COSPUS10A	Classifications	Physical and Biological			Metals (ug/L)			
Designation	Agriculture	DM	MWAT	acute		chronic		
Reviewable	Aq Life Warm 1	Temperature °C	WS-I	WS-I	Aluminum	---	---	
	Recreation E	acute	chronic	Arsenic	340	0.02(T)		
	Water Supply	D.O. (mg/L)	---	5.0	Beryllium	---	---	
Qualifiers:		pH	6.5 - 9.0	---	Cadmium	TVS	TVS	
Other: Temporary Modification(s): Arsenic(chronic) = hybrid Expiration Date of 12/31/2021 Copper(ac/ch) = current condition* Expiration Date of 12/31/2018 Manganese(chronic) = current condition* Expiration Date of 6/30/2019 temperature(DM/MWAT) = current condition* 12/1 - 2/29 Expiration Date of 12/31/2020 *chlorophyll a (mg/m2)(chronic) = applies only above the facilities listed at 38.5(4). *Phosphorus(chronic) = applies only above the facilities listed at 38.5(4). *TempMod: Copper = East Plum Creek and Plum Creek below the PCWRA discharge. *TempMod: Manganese = applies to the manganese WS standard. *TempMod: temperature(12/1 - 2/29) = East Plum Creek and Plum Creek below the PCWRA discharge.		chlorophyll a (mg/m2)	---	150*	Cadmium	5.0(T)	---	
		E. Coli (per 100 mL)	---	126	Chromium III	50(T)	TVS	
		Inorganic (mg/L)			Chromium VI	TVS	TVS	
		acute			chronic	Copper	TVS	TVS
		Ammonia	TVS	TVS	Iron	---	WS	
		Boron	---	0.75	Iron	---	1000(T)	
		Chloride	---	250	Lead	TVS	TVS	
		Chlorine	0.019	0.011	Lead	50(T)	---	
		Cyanide	0.005	---	Manganese	TVS	TVS	
		Nitrate	10	---	Manganese	---	WS	
		Nitrite	---	0.5	Mercury	---	0.01(t)	
		Phosphorus	---	0.17*	Molybdenum	---	150(T)	
		Sulfate	---	WS	Nickel	TVS	TVS	
		Sulfide	---	0.002	Nickel	---	100(T)	
		Selenium	TVS	TVS				
		Silver	TVS	TVS				
		Uranium	---	---				
		Zinc	TVS	TVS				

All metals are dissolved unless otherwise noted.
T = total recoverable
t = total
tr = trout

D.O. = dissolved oxygen
DM = daily maximum
MWAT = maximum weekly average temperature
See 38.6 for details on TVS, TVS(tr), WS, temperature standards.

REGULATION #38 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

Cherry Creek Basin

3. Mainstem of Cherry Creek from the outlet of Cherry Creek Reservoir to the confluence with the South Platte River.							
COSPCH03	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture	DM	MWAT		acute	chronic	
Reviewable	Aq Life Warm 2	Temperature °C	WS-II	WS-II	Aluminum	---	---
	Recreation E	acute	chronic		Arsenic	340	0.02-10(T) ^A
	Water Supply	D.O. (mg/L)	---	5.0	Beryllium	---	---
Qualifiers:		pH	6.5 - 9.0	---	Cadmium	TVS	TVS
Other: <u>Temporary Modification(s):</u> <u>Arsenic(chronic) = hybrid</u> <u>Expiration Date of 12/31/2021</u>		chlorophyll a (mg/m2)	---	---	Cadmium	5.0(T)	---
		E. Coli (per 100 mL)	---	126	Chromium III	50(T)	TVS
		Inorganic (mg/L)			Chromium VI	TVS	TVS
			acute	chronic	Copper	TVS	TVS
		Ammonia	TVS	TVS	Iron	---	WS
		Boron	---	0.75	Iron	---	1000(T)
		Chloride	---	250	Lead	TVS	TVS
		Chlorine	0.019	0.011	Lead	50(T)	---
		Cyanide	0.005	---	Manganese	TVS	TVS
		Nitrate	10	---	Manganese	---	WS
		Nitrite	---	0.5	Mercury	---	0.01(t)
		Phosphorus	---	---	Molybdenum	---	150(T)
		Sulfate	---	WS	Nickel	TVS	TVS
		Sulfide	---	0.002	Nickel	---	100(T)
					Selenium	TVS	TVS
					Silver	TVS	TVS
					Uranium	---	---
					Zinc	TVS	TVS

All metals are dissolved unless otherwise noted.
T = total recoverable
t = total
tr = trout

D.O. = dissolved oxygen
DM = daily maximum
MWAT = maximum weekly average temperature
See 38.6 for details on TVS, TVS(tr), WS, temperature standards.

REGULATION #38 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

Clear Creek Basin

11. Mainstem of Clear Creek from a point just above the Argo Tunnel discharge to the Farmers Highline Canal diversion in Golden, Colorado.						
COSPCL11	Classifications	Physical and Biological		Metals (ug/L)		
Designation	Agriculture	DM	MWAT	acute	chronic	
UP	Aq Life Cold 1	Temperature °C	CS-I	CS-I	Aluminum	---
	Recreation E	acute	chronic	Arsenic	340	0.02(T)
	Water Supply	D.O. (mg/L)	---	6.0	Beryllium	---
Qualifiers:		D.O. (spawning)	---	7.0	Cadmium	TVS(tr)
Other:		pH	6.5 - 9.0	---	Cadmium	5.0(T)
Temporary Modification(s):		chlorophyll a (mg/m2)	---	---	Chromium III	50(T)
Arsenic(chronic) = hybrid		E. Coli (per 100 mL)	---	126	Chromium VI	TVS
Expiration Date of 12/31/2021					Copper	---
temperature(DM/MWAT) = current condition*		Inorganic (mg/L)			Iron	---
Expiration Date of 6/30/2019		acute	chronic	Iron	---	1000(T)
*Zinc(acute) = 0.978e^(0.8537[ln(hardness)]+1.9467)		Ammonia	TVS	TVS	Lead	TVS
*Zinc(chronic) = 0.986e^(0.8537[ln(hardness)]+1.8032)		Boron	---	0.75	Lead	50(T)
*TempMod: temperature = from a point just downstream of the US 6 Bridge to the Farmers Highline Canal diversion in Golden, Colorado.		Chloride	---	250	Manganese	TVS
		Chlorine	0.019	0.011	Manganese	---
		Cyanide	0.005	---	Mercury	---
		Nitrate	10	---	Molybdenum	---
		Nitrite	---	0.05	Nickel	TVS
		Phosphorus	---	---	Nickel	---
		Sulfate	---	WS	Selenium	TVS
		Sulfide	---	0.002	Silver	TVS
					Uranium	---
					Zinc	---
					Zinc	SSE*

13b. Mainstem of North Clear Creek including all tributaries and wetlands from a point just below the confluence with Chase Gulch to the confluence with Clear Creek, except for the specific listings in Segment 13a.

COSPCL13B	Classifications	Physical and Biological		Metals (ug/L)		
Designation	Agriculture	DM	MWAT	acute	chronic	
UP	Aq Life Cold 2	Temperature °C	CS-I	CS-I	Aluminum	---
	Recreation E	acute	chronic	Arsenic	340	100(T)
Qualifiers:		D.O. (mg/L)	---	6.0	Beryllium	---
Other:		D.O. (spawning)	---	7.0	Cadmium	TVS(tr)
Temporary Modification(s):		pH	6.5 - 9.0	---	Chromium III	TVS
Cadmium(chronic) = 4.7		chlorophyll a (mg/m2)	---	150*	Chromium III	---
Expiration Date of 12/31/2018		E. Coli (per 100 mL)	---	126	Chromium VI	TVS
temperature(DM/MWAT) = current condition					Copper	---
Expiration Date of 12/31/2020		Inorganic (mg/L)			Iron	---
*chlorophyll a (mg/m2)(chronic) = applies only above the facilities listed at 38.5(4).		acute	chronic	Lead	TVS	TVS
*Phosphorus(chronic) = applies only above the facilities listed at 38.5(4).		Ammonia	TVS	TVS	Manganese	TVS
		Boron	---	0.75	Mercury	---
		Chloride	---	---	Molybdenum	---
		Chlorine	0.019	0.011	Nickel	TVS
		Cyanide	0.005	---	Selenium	TVS
		Nitrate	100	---	Silver	TVS
		Nitrite	---	0.05	Uranium	---
		Phosphorus	---	0.11*	Zinc	---
		Sulfate	---	---		740
		Sulfide	---	0.002		

All metals are dissolved unless otherwise noted.
T = total recoverable
t = total
tr = trout

D.O. = dissolved oxygen
DM = daily maximum
MWAT = maximum weekly average temperature
See 38.6 for details on TVS, TVS(tr), WS, temperature standards.

REGULATION #38 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

Clear Creek Basin

14a. Mainstem of Clear Creek from the Farmers Highline Canal diversion in Golden, Colorado to the Denver Water conduit #16 crossing.							
COSPCL14A	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture	DM	MWAT	acute	chronic		
UP	Aq Life Warm 2	Temperature °C	WS-II	WS-II	Aluminum	---	
	Recreation N	acute	chronic	Arsenic	340	0.02-10(T)	
	Water Supply	D.O. (mg/L)	---	5.0	Beryllium	---	
Qualifiers:		pH	6.5 - 9.0	---	Cadmium	TVS	
Other: Temporary Modification(s): Arsenic(chronic) = hybrid Expiration Date of 12/31/2021 temperature(DM/MWAT) = current condition Expiration Date of 6/30/2019 *Zinc(acute) = TVS x (times) the FWER (final water effect ratio). Expiration date of 12/31/20. *Zinc(chronic) = TVS x (times) the FWER (final water effect ratio). Expiration date of 12/31/20.		chlorophyll a (mg/m2)	---	---	Cadmium	5.0(T)	
		E. Coli (per 100 mL)	---	630	Chromium III	50(T)	TVS
		Inorganic (mg/L)		Chromium VI	TVS	TVS	
		acute	chronic	Copper	TVS	TVS	
		Ammonia	TVS	TVS	Iron	---	WS
		Boron	---	0.75	Iron	---	1000(T)
		Chloride	---	250	Lead	TVS	TVS
		Chlorine	0.019	0.011	Lead	50(T)	---
		Cyanide	0.005	---	Manganese	TVS	244
		Nitrate	10	---	Mercury	---	0.01(t)
		Nitrite	---	0.5	Molybdenum	---	150(T)
		Phosphorus	---	---	Nickel	TVS	TVS
		Sulfate	---	WS	Nickel	---	100(T)
		Sulfide	---	0.002	Selenium	TVS	TVS
					Silver	TVS	TVS
					Uranium	---	---
					Zinc	TVSx1.57*	TVSx1.57*

14b. Mainstem of Clear Creek from the Denver Water conduit #16 crossing to a point just below Youngfield Street in Wheat Ridge, Colorado.							
COSPCL14B	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture	DM	MWAT	acute	chronic		
UP	Aq Life Warm 2	Temperature °C	WS-II	WS-II	Aluminum	---	
	Recreation E	acute	chronic	Arsenic	340	0.02(T)	
	Water Supply	D.O. (mg/L)	---	5.0	Beryllium	---	
Qualifiers:		pH	6.5 - 9.0	---	Cadmium	TVS	
Water + Fish Standards		chlorophyll a (mg/m2)	---	---	Cadmium	5.0(T)	
Other: Temporary Modification(s): temperature(DM/MWAT) = current condition Expiration Date of 6/30/2019 *Zinc(acute) = TVS x (times) the FWER (final water effect ratio). Expiration date of 12/31/20. *Zinc(chronic) = TVS x (times) the FWER (final water effect ratio). Expiration date of 12/31/20.		E. Coli (per 100 mL)	---	126	Chromium III	50(T)	
		Inorganic (mg/L)		Chromium VI	TVS	TVS	
		acute	chronic	Copper	TVS	TVS	
		Ammonia	TVS	TVS	Iron	---	WS
		Boron	---	0.75	Iron	---	1000(T)
		Chloride	---	250	Lead	TVS	TVS
		Chlorine	0.019	0.011	Lead	50(T)	---
		Cyanide	0.005	---	Manganese	TVS	244
		Nitrate	10	---	Mercury	---	0.01(t)
		Nitrite	---	0.5	Molybdenum	---	150(T)
		Phosphorus	---	---	Nickel	TVS	TVS
		Sulfate	---	WS	Nickel	---	100(T)
		Sulfide	---	0.002	Selenium	TVS	TVS
					Silver	TVS	TVS
					Uranium	---	---
					Zinc	TVSx1.57*	TVSx1.57*

14b. Mainstem of Clear Creek from the Denver Water conduit #16 crossing to a point just below Youngfield Street in Wheat Ridge, Colorado.							
COSPCL14B	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture		DM	MWAT		acute	chronic
UP	Aq Life Warm 2	Temperature °C	WS-II	WS-II	Aluminum	---	---
	Recreation E		acute	chronic	Arsenic	340	0.02(T)
	Water Supply	D.O. (mg/L)	---	5.0	Beryllium	---	---
Qualifiers:		pH	6.5 - 9.0	---	Cadmium	TVS	TVS
Water + Fish Standards		chlorophyll a (mg/m2)	---	---	Cadmium	5.0(T)	---
Other:		E. Coli (per 100 mL)	---	126	Chromium III	50(T)	TVS
Temporary Modification(s): temperature(DM/MWAT) = current condition Expiration Date of 6/30/2019 *Zinc(acute) = TVS x (times) the FWER (final water effect ratio). Expiration date of 12/31/20. *Zinc(chronic) = TVS x (times) the FWER (final water effect ratio). Expiration date of 12/31/20.		Inorganic (mg/L)			Chromium VI	TVS	TVS
			acute	chronic	Copper	TVS	TVS
		Ammonia	TVS	TVS	Iron	---	WS
		Boron	---	0.75	Iron	---	1000(T)
		Chloride	---	250	Lead	TVS	TVS
		Chlorine	0.019	0.011	Lead	50(T)	---
		Cyanide	0.005	---	Manganese	TVS	244
		Nitrate	10	---	Mercury	---	0.01(t)
		Nitrite	---	0.5	Molybdenum	---	150(T)
		Phosphorus	---	---	Nickel	TVS	TVS
		Sulfate	---	WS	Nickel	---	100(T)
		Sulfide	---	0.002	Selenium	TVS	TVS
					Silver	TVS	TVS
					Uranium	---	---
					Zinc	TVSx1.57*	TVSx1.57*

All metals are dissolved unless otherwise noted.
T = total recoverable
t = total
tr = trout

D.O. = dissolved oxygen
DM = daily maximum
MWAT = maximum weekly average temperature
See 38.6 for details on TVS, TVS(tr), WS, temperature standards.

REGULATION #38 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

Clear Creek Basin

15. Mainstem of Clear Creek from Youngfield Street in Wheat Ridge, Colorado, to the confluence with the South Platte River.						
COSPCL15	Classifications	Physical and Biological			Metals (ug/L)	
Designation	Agriculture	DM	MWAT		acute	chronic
Reviewable	Aq Life Warm 1*	Temperature °C	WS-II	WS-II	Aluminum	---
	Recreation E	acute	chronic		Arsenic	340
	Water Supply	D.O. (mg/L)	---	5.0	Beryllium	---
Qualifiers:		pH	6.5 - 9.0	---	Cadmium	TVS
Other:		chlorophyll a (mg/m2)	---	---	Cadmium	5.0(T)
Temporary Modification(s):		E. Coli (per 100 mL)	---	126	Chromium III	50(T)
Arsenic(chronic) = hybrid		Inorganic (mg/L)			Chromium VI	TVS
Expiration Date of 12/31/2021		acute	chronic		Copper	TVS
temperature(DM/MWAT) = current condition		Ammonia	TVS	TVS	Iron	---
Expiration Date of 6/30/2019		Boron	---	0.75	Iron	---
		Chloride	---	250	Lead	TVS
*Classification: Aquatic life warm 1 goal qualifier.		Chlorine	0.019	0.011	Lead	50(T)
*Zinc(acute) = TVS x (times) the FWER (final water effect ratio).		Cyanide	0.005	---	Manganese	TVS
Expiration date of 12/31/20.		Nitrate	10	---	Manganese	---
*Zinc(chronic) = TVS x (times) the FWER (final water effect ratio).		Nitrite	---	0.5	Mercury	---
Expiration date of 12/31/20.		Phosphorus	---	---	Molybdenum	---
		Sulfate	---	WS	Nickel	TVS
		Sulfide	---	0.002	Nickel	---
					Selenium	TVS
					Silver	TVS
					Uranium	---
					Zinc	TVSx1.57*

All metals are dissolved unless otherwise noted.
T = total recoverable
t = total
tr = trout

D.O. = dissolved oxygen
DM = daily maximum
MWAT = maximum weekly average temperature
See 38.6 for details on TVS, TVS(tr), WS, temperature standards.

REGULATION #38 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS Boulder Creek Basin

7b. Mainstem of Coal Creek from Highway 36 to the confluence with Boulder Creek.						
COSPBO07B	Classifications	Physical and Biological			Metals (ug/L)	
Designation	Agriculture		DM	MWAT	acute	chronic
Reviewable	Aq Life Warm 2	Temperature °C	WS-II	WS-II	Aluminum	---
	Recreation E		acute	chronic	Arsenic	340
	Water Supply	D.O. (mg/L)	---	5.0	Beryllium	---
Qualifiers:		pH	6.5 - 9.0	---	Cadmium	TVS
Other: <u>Temporary Modification(s):</u> <u>Arsenic(chronic) = hybrid</u> <u>Expiration Date of 12/31/2021</u>		chlorophyll a (mg/m2)	---	---	Cadmium	5.0(T)
		E. Coli (per 100 mL)	---	126	Chromium III	50(T)
		Inorganic (mg/L)			Chromium VI	TVS
			acute	chronic	Copper	TVS
		Ammonia	TVS	TVS	Iron	---
		Boron	---	0.75	Iron	---
		Chloride	---	250	Lead	TVS
		Chlorine	0.019	0.011	Lead	50(T)
		Cyanide	0.005	---	Manganese	TVS
		Nitrate	10	---	Manganese	---
		Nitrite	---	0.5	Mercury	---
		Phosphorus	---	---	Molybdenum	---
		Sulfate	---	WS	Nickel	TVS
		Sulfide	---	0.002	Nickel	---
					Selenium	TVS
					Silver	TVS
					Uranium	---
					Zinc	TVS

All metals are dissolved unless otherwise noted.
T = total recoverable
t = total
tr = trout

D.O. = dissolved oxygen
DM = daily maximum
MWAT = maximum weekly average temperature
See 38.6 for details on TVS, TVS(tr), WS, temperature standards.

EXHIBIT 6
PEABODY SAGE CREEK MINING COMPANY
AND SENECA COAL COMPANY

DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT

Water Quality Control Commission

**REGULATION NO. 33 - CLASSIFICATIONS AND NUMERIC STANDARDS FOR UPPER COLORADO
RIVER BASIN AND NORTH PLATTE RIVER (PLANNING REGION 12)**

5 CCR 1002-33

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33.6 TABLES

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(4) Assessment Criteria

The following criteria shall be used when assessing whether a specified waterbody is in attainment of the specified standard.

~~(e)(a)~~ Yampa River Segment 13b: Standards and Iron Assessment Thresholds and Locations for Iron and Selenium

Iron Standards:

Middle Creek-

March-June, ~~Fe(ch) = 2090(Tree)~~Iron(chronic)=2090(T), median of all data
July-February, ~~Fe(ch) = 1000 (Tree)~~Iron(chronic)=1000(T)

Foidel Creek: ~~Fe(ch) = 1000(Tree)~~Iron(chronic)=1000(T), median of all data

Iron Assessment Locations:

- Middle Creek Site G-MC-2/Site 29: located at ~~N~~40°-23'-48.3"N, ~~W~~106°-58'47.0"W.
- Foidel Creek Site 14: located at ~~N~~40°-33'-48.6"N, ~~W~~107°-08'-63.5"W.
- Foidel Creek Site 8: located at ~~N~~40°-21'-55.7"N, ~~W~~107°-02'-43.6"W.
- Foidel Creek Site 900: located at ~~N~~40°-23'-24.7"N, ~~W~~106°-59'-40.9"W.

Selenium Standards:

Selenium(chronic)=9.5 mg/kg dry weight whole body. See section 33.6(4)(h) for fish-tissue assessment method.

Selenium Assessment Locations:

- Foidel Creek Site FOC-1, located at 40°21'55.69"N, 107°2'43.57"W.

~~(a)(b)~~ Yampa River Segment 13d, ~~Dry Creek: Iron Standards and~~ Assessment Thresholds and Locations for Iron and Selenium

Iron Standards:

~~Mar-Apr, Fe(ch) = 3040(Trec), snowmelt season median values~~

~~May-Feb, Fe(ch) = 1110(Trec), no-snowmelt season median values~~

Dry Creek, Watering Trough Gulch, and 005 Gulch: Iron(chronic)= 1000(T)

Hubberson Gulch

March-June, Iron(chronic)=2750(T)

July-February, Iron(chronic)=1000(T)

Iron Assessment Locations:

- ~~Seneca II-W Stream Site 7 on Hubberson Gulch (WSH7): located in the middle reaches of Hubberson Gulch~~
Dry Creek Site G-DC-2/WSD5, located at 40°25'18.50"N, 107°15'41.80"W.
- Watering Trough Gulch Site G-WTG-2, located at 40°23'32.38"N, 107°16'24.35"W.
- 005 Gulch Site G-05-2, located at 40°24'26.94"N, 107°15'56.67"W.
- Hubberson Gulch Site G-HG-2/WSHF1, located at 40°23'31.50"N, 107°16'20.40"W.
- ~~Seneca II-W Flume Site 1 on Hubberson Gulch (WSHF1): located on Hubberson Gulch just upstream of its confluence with Dry Creek~~

~~Seneca II-W Stream Site 5 on Dry Creek (WSD5): located in the middle reaches of Dry Creek~~
Selenium Standards:

Selenium(chronic)=9.5 mg/kg dry weight whole body. See section 33.6(4)(h) for fish-tissue assessment method.

Selenium Assessment Locations:

- Dry Creek Site G-DC-1, located at 40°23'45.2"N, 107°16'19.5"W.
- Dry Creek Site G-DC-2/WSD5, located at 40°25'18.50"N, 107°15'41.80"W.

~~(b)(c)~~ Yampa River Segment 13e, ~~Sage Creek: Iron Standards and~~ Assessment Thresholds and Locations for Iron and Selenium

Iron Standards:

Upper Sage Creek: Fe(ch)Iron(chronic)=-1250(Trec), median of all data

Lower Sage Creek: Iron(chronic)=1000(T), median of all data

Break between Upper and Lower Sage Creek is the west border of Section 18, T5N, R87W.

Iron Assessment Locations:

- Yeast Stream Site 2 on Sage Creek (YSS2): located upstream of the west border of Section 18, T5N, R87W

Fe(ch) = 1000(Trec), median of all data

Assessment locations:

- Seneca II-W Stream Site 3 on Sage Creek (WSSF3): located downstream of the west border of Section 18, T5N, R87W

Selenium Standards:

Selenium(chronic)=9.5 mg/kg dry weight whole body. See section 33.6(4)(h) for fish-tissue assessment method.

Selenium Assessment Locations:

- Sage Creek Site G-SC-3, located at 40°26'28.8"N, 107°11'58.7"W.

(d) Yampa River Segment 13g: Standards and Assessment Locations for Selenium

Selenium Standards:

Selenium(chronic)=9.5 mg/kg dry weight whole body. See section 33.6(4)(h) for fish-tissue assessment method.

Selenium Assessment Locations:

- Bond Creek Site G-BC-2, located at 40°24'50.6"N, 107°01'58.0"W.
- Cow Camp Creek Site G-CC-2/SSC10, located at 40°23'51.7"N, 107°01'13.3"W.

(e) Yampa River Segment 13h: Standards and Assessment Locations for Selenium

Selenium Standards:

Lower Dry Creek and tributaries other than Temple Gulch:

March-July: Selenium(acute/chronic)=91.3 / 60.0 µg/L

August-February: Selenium(acute/chronic)=TVS / 6.6 µg/L

Temple Gulch:

March-July: Selenium(acute/chronic)=136.5 / 116.2 µg/L

August-February: Selenium(acute/chronic)=TVS / TVS µg/L

Selenium Assessment Locations

- Dry Creek Site G-DC-3/HGSD1, located at 40°27'26.0"N, 107°15'06.6"W.

- Dry Creek Site G-DC-4, located at 40°28'57.9"N, 107°14'21.1"W.
- Temple Gulch Site G-TG-1, located at 40°27'19.0"N, 107°15'45.0"W.

(f) Yampa River Segment 13i: Standards and Assessment Locations for Iron and Selenium

Iron Standards

Grassy Creek:

March-June: Iron(chronic)=1410(T)
July-February: Iron(chronic)=1000(T)

Little Grassy Creek:

March-June: Iron(chronic)=2000(T)
July-February: Iron(chronic)=1000(T)

Iron Assessment Locations

- Grassy Creek Site G-GC-1A/YSG6, located at 40°23'11.09"N, 107°9'13.31"W.
- Little Grassy Creek Site G-LGC-1A/SSLG5, located at 40°24'53.31"N, 107°07'37.96"W.

Selenium Standards:

Selenium(chronic)=9.5 mg/kg dry weight whole body. See section 33.6(4)(h) for fish-tissue assessment method.

Selenium Assessment Locations

- Grassy Creek Site G-GC-2/SSG2, located at 40°26'44.5"N, 107°08'38.4"W.

(g) Yampa River Segment 13j: Standards and Assessment Locations for Selenium

Selenium Standards:

Lower Grassy Creek:

March-July: Selenium(acute/chronic)=TVS / 6.25 µg/L
August-February: Selenium(acute/chronic)=TVS / TVS µg/L

Annand Draw:

March-July: Selenium(acute/chronic)=25.2 / 19.8 µg/L
August-February: Selenium(acute/chronic)=TVS / TVS µg/L

Scotchmans Gulch:

March-July: Selenium(acute/chronic)=65.8 / 40.9 µg/L
August-February: Selenium(acute/chronic)=TVS / TVS µg/L

Selenium Assessment Locations

- Lower Grassy Creek Site G-GC-3/YSG5, located at 40°26'51.7"N, 107°08'42.8"W.
- Lower Grassy Creek Site G-GC-4, located at 40°28'51.2"N, 107°09'04.4"W.

- Annand Draw Site G-AD-1A, located at 40°26'03.0"N, 107°09'23.5"W.
- Annand Draw Site G-AD-1/NPDES10, located at 40°24'35.4"N, 107°10'04.2"W.
- Scotchmans Gulch Site G-SG-1/YSSG1, located at 40°25'56.9"N, 107°10'02.3"W.
- Scotchmans Gulch Site G-SG-1A, located at 40°26'34.80"N, 107°08'43.93"W.

(h) Fish-Tissue Assessment Method and Permit Implementation for Selenium Whole Body Tissue Standards, Yampa River Segments 13b, 13d, 13e, 13g, and 13i.

The implementation of the chronic tissue-based standards will use a combination of water column and fish tissue data, using a water column trigger value of 8.8 µg/L, as follows:

- Compare the 85th percentile of water column concentrations to the trigger value. If the 85th percentile is lower than the trigger value, the standard is attained. If the 85th percentile is higher than the trigger value, proceed to assessment of fish tissue data.
- Compare the mean fish tissue concentrations (whole body) to the standard elements. If the mean fish tissue concentrations exceed the standard, then the standard is impaired.

For implementation in permitting, the following methods shall apply:

- For discharges that have reached a steady state (i.e., discharges of selenium that have existed at comparable flow and concentration more than 6 months), compare downstream mean fish tissue concentrations to the standard. If the mean fish tissue concentrations are significantly below the tissue-based standard, there is no reasonable potential for the discharge to cause or contribute to an exceedance of the fish tissue standard, and no WQBEL is necessary. Monitoring will be required to document continued steady-state conditions in the discharge.
- If the discharge has reasonable potential, effluent limitations will be required. If the 30-day average effluent concentrations exceed the trigger value, the discharger will be required to accelerate downstream fish tissue sampling. If the mean fish tissue concentrations at the first downstream site with fish exceed the standard, then the effluent limitation is exceeded.

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33.60 STATEMENT OF BASIS, SPECIFIC STATUTORY AUTHORITY AND PURPOSE; DECEMBER 11, 2017 RULEMAKING; FINAL ACTION JANUARY 8, 2018; EFFECTIVE DATE JUNE 30, 2018

The provisions of C.R.S. 25-8-202(1)(a), (b) and (2); 25-8-203; 25-8-204; and 25-8-402; provide the specific statutory authority for adoption of these regulatory amendments. The commission also adopted in compliance with 24-4-103(4) C.R.S. the following statement of basis and purpose.

BASIS AND PURPOSE

Yampa River Segments 13b, 13d, 13e, 13g, 13h, 13i, and 13j: temporary modifications of the iron standards (Segments 13d and 13i, expire 12/31/2018) and the selenium standards (Segments 13b, 13d,

13e, 13g, 13i, expire 12/31/2018) were reviewed. The Commission deleted the iron and selenium temporary modifications on these segments, and adopted site-specific iron and selenium standards on these and additional segments of the Yampa River sub-basin based on evidence submitted by Peabody Sage Creek Mining Company and Seneca Coal Company (Peabody).

IRON

Peabody submitted sufficient data and justification to support ambient-based site-specific total recoverable iron standards for Yampa River Segments 13d and 13i. Data indicate that natural or irreversible conditions within the Yampa River Basin watershed are driving instream concentrations of total recoverable iron. The Commission adopted the following seasonal standards based on the 50th percentile of iron data:

Yampa River Segment 13d:

Dry Creek, Watering Trough Gulch, and 005 Gulch: Iron (chronic) = 1000 (T) µg/L

Hubberson Gulch:

March-June: Iron (chronic) = 2750 (T) µg/L

July-February: Iron (chronic) = 1000 (T) µg/L

Yampa River Segment 13i:

Grassy Creek:

March-June: Iron (chronic) = 1410 (T) µg/L

July-February: Iron (chronic) = 1000 (T) µg/L

Little Grassy Creek,

March-June: Iron (chronic) = 2000 (T) µg/L

July-February: Iron (chronic) = 1000 (T) µg/L

Evidence submitted by Peabody demonstrated that ambient iron concentrations were not inhibiting the attainment of the limited aquatic use; the aquatic life use on these segments is limited due to the lack of water and flow throughout much of the drainage. Therefore, based on analysis of the benthic macroinvertebrate community, ambient standards are protective of the highest attainable use in these segments.

The Commission specified assessment locations for the iron standards at section 33.6(4), to ensure that future assessment is consistent with the methods used to derive the standards.

The Commission removed the temporary modifications for iron of “current condition” that had previously been in place for Yampa River Segments 13d and 13i.

SELENIUM

Peabody submitted sufficient data and justification to support selenium site-specific standards for Yampa River Segments 13b, 13d, 13e, 13g, 13h, 13i, and 13j.

The Yampa River sub-basin has limited water throughout many of the drainages, which affects the ability of these streams to support robust aquatic populations or for fish communities to develop and persist from year-to-year. The variability in available flow is one of the determining characteristics for evaluation of the potential for these streams to provide suitable habitat, especially in the upper extent of the segments. Concentrations of selenium in fish (where present) and invertebrate tissues are low in upper reaches, with increasing concentrations in the lower reaches, largely in response to the influx of groundwater with naturally occurring selenium from underlying geology, especially from un-mined tributaries.

In July 2016, the EPA released updated aquatic life ambient water quality criteria for selenium. In addition to the updated chronic water column criteria, the new criteria document included criteria for fish tissue, consisting of egg/ovary and whole body/muscle elements. Due to the bioaccumulative properties of selenium, EPA set the fish tissue criteria to take precedence over the water column criteria, and set the egg/ovary element to take precedence over the whole body/muscle element. In September 2016, EPA released draft support documents to accompany the selenium criteria; the support documents have not yet been finalized.

Peabody evaluated the available final and draft information from the EPA, and based on these documents proposed site-specific selenium standards for multiple Yampa River Segments.

The Commission adopted site-specific chronic selenium standards on segments 13b, 13d, 13e, 13g, and 13i of 9.5 mg/kg dry weight whole body tissue. These standards are based on a targeted recalculation of the EPA 304(a) fish tissue criteria, after removing the most sensitive species in the EPA database, white sturgeon, which is not found in the Colorado basin and is not a surrogate for another species. The Commission did not adopt egg ovary standards on segments 13b, 13d, 13e, 13g, or 13i due to site-specific considerations, namely the small population of fish in these reaches, as well as the often limited number of gravid fish from which to collect egg samples. Additionally, values based on muscle tissue or muscle plugs were not considered as the fish in these segments are too small for a muscle plug to be taken.

Recognizing the practical difficulties of collecting fish tissue data, the implementation of the chronic tissue-based standards will use a combination of water column and fish tissue data, using a trigger value of 8.8 µg/L, as follows:

- Assessment
 - Compare the 85th percentile of water column concentrations to the trigger value. If the 85th percentile is lower than the trigger value, the standard is attained. If the 85th percentile is higher than the trigger value, proceed to assessment of fish tissue data.
 - Compare the mean fish tissue concentrations (whole body) to the standard elements. If the mean fish tissue concentrations exceed the standard, then the standard is impaired.
- Permitting
 - For discharges that have reached a steady state (i.e., discharges of selenium that have existed at comparable flow and concentration more than 6 months), compare downstream mean fish tissue concentrations to the standard. If the mean fish tissue concentrations are significantly below the tissue-based standard, there is no reasonable potential for the discharge to cause or contribute to an exceedance of the fish tissue standard, and no WQBEL is necessary. Monitoring will be required to document continued steady-state conditions in the discharge.
 - If the discharge has reasonable potential, effluent limitations will be required. If the 30-day average effluent concentrations exceed the trigger value, the discharger will be required to accelerate downstream fish tissue sampling. If the mean fish tissue concentrations at the first downstream site with fish exceed the standard, then the effluent limitation is exceeded.

The water column trigger value of 8.8 µg/L was chosen based on re-calculations using Colorado-specific data from the National EPA database. This value is more appropriate than the national lotic criterion or existing table value standard, given that Colorado has specific selenium issues not present in other states.

The Commission adopted site-specific ambient-based selenium standards on segments 13h and 13j. Data indicate that natural or irreversible conditions within the Yampa Basin watershed are driving instream concentrations of selenium. The Commission adopted the following standards:

Yampa River Segment 13h:

Lower Dry Creek and tributaries other than Temple Gulch:

March-July: Selenium (acute/chronic) = 91.3 / 60.0 µg/L

August-February: Selenium (acute/chronic) = TVS / 6.6 µg/L

Temple Gulch:

March-July: Selenium (acute/chronic) = 136.5 / 116.2 µg/L

August-February: Selenium (acute/chronic) = TVS / TVS µg/L

Yampa River Segment 13j:

Lower Grassy Creek:

March-July: Selenium (acute/chronic) = TVS / 6.25 µg/L

August-February: Selenium (acute/chronic) = TVS / TVS µg/L

Annand Draw:

March-July: Selenium (acute/chronic) = 25.2 / 19.8 µg/L

August-February: Selenium (acute/chronic) = TVS / TVS µg/L

Scotchmans Gulch:

March-July: Selenium (acute/chronic) = 65.8 / 40.9 µg/L

August-February: Selenium (acute/chronic) = TVS / TVS µg/L

The Commission specified assessment locations for the selenium standards at section 33.6(4), to ensure that future assessment is consistent with the methods used to derive the standards.

The Commission removed the temporary modifications for selenium of “current condition” that had previously been in place for Yampa River Segments 13b, 13d, 13e, 13g, and 13i. The Commission recognizes that potential changes may be warranted to segment boundaries to fully address selenium issues in the Yampa River Basin.

TYPOGRAPHICAL AND OTHER CORRECTIONS

Finally, the Commission made edits to improve clarity and correct typographical errors in section 33.6(4) and the corresponding tables for Yampa River sub-basin segments, including:

- The assessment criteria for Yampa River segment 13b was moved from 33.6(4)(c) to 33.6(4)(a) to improve clarity in assessing, as multiple additional assessment criteria were added to this subsection 33.6(4). This resulted in shifting the subsections of the existing assessment information for Yampa River segments 13d and 13e.
- Certain abbreviations in subsection 33.6(4) were updated to match formatting changes adopted in January 2016, i.e., Fe was changed to Iron, ch was changed to chronic, Trec was changed to T, months were spelled out instead of abbreviated.
- Certain formatting changes were made in subsection 33.6(4) to improve readability of the section given the addition of information for assessment purposes, including rearranging and adding clarifying information for the iron standards and assessment locations for Yampa River Segment 13e. No substantive changes were made to the iron standards and iron assessment locations for segment 13e.
- The reference to section 33.6(4) for assessment locations for iron in the table for Yampa River Segment 13h was removed, as there is no assessment criteria for iron for this segment.

**COLORADO DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT
WATER QUALITY CONTROL COMMISSION**

5 CCR 1002-33

**REGULATION NO. 33
CLASSIFICATIONS AND NUMERIC STANDARDS
FOR
UPPER COLORADO RIVER BASIN AND
NORTH PLATTE RIVER (PLANNING REGION 12)**

**APPENDIX 33-1
Stream Classifications and Water Quality Standards Tables**

Effective 06/30/~~2017~~2018

REGULATION #33 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

Yampa River Basin

13b. Mainstem of Foidel Creek, including all tributaries and wetlands. Mainstem Fish Creek, including all tributaries from County Road 27 downstream to the confluence with Trout Creek, except for specific listings in Segment 13g. Middle Creek and all tributaries, from County Road 27 downstream to the confluence with Trout Creek.

COUCYA13B		Physical and Biological			Metals (ug/L)		
Designation	Agriculture		DM	MWAT		acute	chronic
Reviewable	Aq Life Warm 1	Temperature °C	WS-II	WS-II	Aluminum	---	---
	Recreation E		acute	chronic	Arsenic	340	7.6(T)
Qualifiers:		D.O. (mg/L)	---	6.0	Beryllium	---	---
Other:		D.O. (spawning)	---	7.0	Cadmium	TVS(tr)	TVS
Temporary Modification(s):		pH	6.5 - 9.0	---	Chromium III	TVS	TVS
Selenium(chronic) = current conditions*		chlorophyll a (mg/m ²)	---	150	Chromium III	---	100(T)
Expiration Date of 12/31/2018		E. Coli (per 100 mL)	---	126	Chromium VI	TVS	TVS
					Copper	TVS	TVS
		Inorganic (mg/L)			Iron	---	1000(T)*
			acute	chronic	Iron	3/1 - 6/30	2090(T)*
		Ammonia	TVS	TVS	Lead	TVS	TVS
		Boron	---	0.75	Manganese	TVS	TVS
		Chloride	---	---	Mercury	---	0.01(t)
		Chlorine	0.019	0.011	Molybdenum	---	160(T)
		Cyanide	0.005	---	Nickel	TVS	TVS
		Nitrate	100	---	Selenium	TVS	TVSTissue*
		Nitrite	---	0.05	Silver	TVS	TVS(tr)
		Phosphorus	---	0.11	Uranium	---	---
		Sulfate	---	---	Zinc	TVS	TVS
		Sulfide	---	0.002			

13c. Mainstem of Trout Creek from the headgate of Spruce Hill Ditch (approximately 2,500 feet north of where County Road 27 crosses Trout Creek) to its confluence with Fish Creek. All tributaries to Trout Creek from the headgate of Spruce Hill Ditch (approximately 2,500 feet north of where County Road 27 crosses Trout Creek) to County Road 179 except for specific listings in 13b.

COUCYA13C	Classifications		Physical and Biological			Metals (ug/L)		
Designation	Agriculture		DM	MWAT	acute chronic			
Reviewable	Aq Life Cold 1		Temperature °C	CS-II CS-II	Aluminum	---	---	
	Recreation E		acute	chronic	Arsenic	340	7.6(T)*	
	Water Supply 6/1 - 2/29		D.O. (mg/L)	---	6.0	Beryllium	---	---
Qualifiers:			D.O. (spawning)	---	7.0	Cadmium	TVS(tr)	TVS
Other:			pH	6.5 - 9.0	---	Chromium III	TVS*	TVS
Temporary Modification(s):			chlorophyll a (mg/m²)	---	150	Chromium III	---	100(T)
Arsenic(chronic) = hybrid 6/1 - 2/29			E. Coli (per 100 mL)	---	126	Chromium VI	TVS	TVS
Expiration Date of 12/31/2021						Copper	TVS	TVS
			Inorganic (mg/L)			Iron 6/1 - 2/29	---	WS
*Nitrate(acute) = 10 mg/L from 6/1 - 2/29			acute	chronic	Iron	---	1000(T)	
*Arsenic(chronic) = 0.02(T) ug/L from 6/1 - 2/29			Ammonia	TVS	TVS	Lead	TVS	TVS
Chromium III(acute) = 50(T) ug/L from 6/1 - 2/29			Boron	---	0.75	Manganese	TVS	TVS
*Manganese(chronic) = WS from 6/1 - 2/29			Chloride 6/1 - 2/29	---	250	Mercury	---	0.01(t)
			Chlorine	0.019	0.011	Molybdenum	---	160(T)
			Cyanide	0.005	---	Nickel	TVS	TVS
			Nitrate	100*	---	Selenium	TVS	TVS
			Nitrite	---	0.05	Silver	TVS	TVS(tr)
			Phosphorus	---	0.11	Uranium	---	---
			Sulfate 6/1 - 2/29	---	WS	Zinc	TVS	TVS
			Sulfide	---	0.002			

REGULATION #33 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

Yampa River Basin

13d. Mainstem of Dry Creek, including all tributaries and wetlands, from the source to just above the confluence with Temple Gulch.						
COUCYA13D	Classifications	Physical and Biological			Metals (ug/L)	
Designation	Agriculture	DM	MWAT		acute	chronic
UP	Aq Life Warm 2	WS-II	WS-II	Aluminum	---	---
	Recreation E	acute	chronic	Arsenic	340	100(T)
Qualifiers:		D.O. (mg/L)	---	5.0	Beryllium	---
Other:		pH	6.5 - 9.0	---	Cadmium	TVS
Temporary Modification(s):		chlorophyll a (mg/m ²)	---	150	Chromium III	TVS
Iron(chronic) = current condition	3/1 - 4/30	E. Coli (per 100 mL)	---	126	Chromium III	---
Expiration Date of 12/31/2018		Inorganic (mg/L)		Chromium VI	TVS	TVS
Selenium(chronic) = current conditions		acute	chronic	Copper	TVS	TVS
Expiration Date of 12/31/2018		Ammonia	TVS	TVS	Iron	57/1 - 2/29 --- 11101000(T)*
Iron(chronic), 7/1-2/29 = 1,000(T) ug/L. See section 33.6(4) for iron assessment locations.		Boron	---	0.75	Iron	3/1 - 46/30 --- 30401000(T)
Iron(chronic), 3/1-6/30 = 1,000(T) ug/L on Dry Creek, Watering Trough Gulch, and 005 Gulch. See section 33.6(4) for iron assessment locations.		Chloride	---	---	Iron	3/1 - 6/30 --- 2750(T)
*Iron(chronic), 3/1-6/30 = 2750(T) ug/L on Hubbertson Gulch. See section 33.6(4) for iron assessment locations.		Chlorine	0.019	0.011	Lead	TVS
*Selenium(chronic) = 9.5 mg/kg dry weight whole body. See section 33.6(4) for selenium assessment locations and fish-tissue assessment method.		Cyanide	0.005	---	Manganese	TVS
		Nitrate	100	---	Mercury	---
		Nitrite	---	0.05	Molybdenum	---
		Phosphorus	---	0.17	Nickel	TVS
		Sulfate	---	---	Selenium	TVS
		Sulfide	---	0.002	Silver	TVS
					Uranium	---
					Zinc	TVS

13e. Mainstem of Sage Creek, including all tributaries and wetlands, from its sources to the confluence with the Yampa River.						
COUCYA13E	Classifications	Physical and Biological			Metals (ug/L)	
Designation	Agriculture	DM	MWAT		acute	chronic
UP	Aq Life Warm 2	WS-II	WS-II	Aluminum	---	---
	Recreation N	acute	chronic	Arsenic	340	100(T)
Qualifiers:		D.O. (mg/L)	---	5.0	Beryllium	---
Other:		pH	6.5 - 9.0	---	Cadmium	TVS
Temporary Modification(s):		chlorophyll a (mg/m ²)	---	---	Chromium III	TVS
Selenium(chronic) = current conditions		E. Coli (per 100 mL)	---	630	Chromium III	---
Expiration Date of 12/31/2018		Inorganic (mg/L)		Chromium VI	TVS	TVS
*Iron(chronic) = 1,000(T) ug/L on Lower Sage Creek. See section 33.6(4) for iron assessment locations.		acute	chronic	Copper	TVS	TVS
*Iron(chronic) = 1,250(T) ug/L on Upper Sage Creek. Break between Upper and Lower Sage Creek is the west border of Section 18, T5N, R87W. See section 33.6(4) for iron assessment locations.		Ammonia	TVS	TVS	Iron	---
*Selenium(chronic) = 9.5 mg/kg dry weight whole body. See section 33.6(4) for selenium assessment locations and fish-tissue assessment method.		Boron	---	0.75	Iron	---
		Chloride	---	---	Lead	TVS
		Chlorine	0.019	0.011	Manganese	TVS
		Cyanide	0.005	---	Mercury	---
		Nitrate	100	---	Molybdenum	---
		Nitrite	---	0.05	Nickel	TVS
		Phosphorus	---	0.17	Selenium	TVS
		Sulfate	---	---	Silver	TVS
		Sulfide	---	0.002	Uranium	---
					Zinc	TVS

REGULATION #33 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

Yampa River Basin

13f. Mainstem of Trout Creek, including all tributaries and wetlands, from a point immediately below its confluence with Fish Creek to the confluence with the Yampa River.						
COUCYA13F	Classifications	Physical and Biological			Metals (ug/L)	
Designation	Agriculture	DM	MWAT		acute	chronic
Reviewable	Aq Life Cold 1	Temperature °C	CS-II	CS-II	Aluminum	---
	Recreation E	acute	chronic		Arsenic	340
	Water Supply	D.O. (mg/L)	---	6.0	Beryllium	---
Qualifiers:		D.O. (spawning)	---	7.0	Cadmium	TVS(tr)
Other:		pH	6.5 - 9.0	---	Chromium III	50(T)
Temporary Modification(s):		chlorophyll a (mg/m ²)	---	150	Chromium VI	TVS
Arsenic(chronic) = hybrid		E. Coli (per 100 mL)	---	126	Copper	TVS
Expiration Date of 12/31/2021		Inorganic (mg/L)			Iron	---
		acute	chronic		Iron	---
		Ammonia	TVS	TVS	Lead	TVS
		Boron	---	0.75	Manganese	TVS
		Chloride	---	250	Manganese	---
		Chlorine	0.019	0.011	Mercury	---
		Cyanide	0.005	---	Molybdenum	---
		Nitrate	10	---	Nickel	TVS
		Nitrite	---	0.05	Selenium	TVS
		Phosphorus	---	0.11	Silver	TVS
		Sulfate	---	WS	Uranium	---
		Sulfide	---	0.002	Zinc	TVS

13g. All tributaries to Fish Creek from the confluence with Cow Camp Creek to the confluence with Trout Creek,						
COUCYA13G	Classifications	Physical and Biological			Metals (ug/L)	
Designation	Agriculture	DM	MWAT		acute	chronic
Reviewable	Aq Life Warm 1	Temperature °C	WS-II	WS-II	Aluminum	---
	Recreation E	acute	chronic		Arsenic	340
Qualifiers:		D.O. (mg/L)	---	5.0	Beryllium	---
Other:		pH	6.5 - 9.0	---	Cadmium	TVS(tr)
Temporary Modification(s):		chlorophyll a (mg/m ²)	---	150	Chromium III	TVS
Selenium(chronic) = current conditions		E. Coli (per 100 mL)	---	126	Chromium VI	TVS
Expiration Date of 12/31/2018		Inorganic (mg/L)			Copper	TVS
*Selenium(chronic) = 9.5 mg/kg dry weight whole body. See section 33.6(4) for selenium assessment locations and fish-tissue assessment method.		acute	chronic		Iron	---
		Ammonia	TVS	TVS	Lead	TVS
		Boron	---	0.75	Manganese	TVS
		Chloride	---	---	Mercury	---
		Chlorine	0.019	0.011	Molybdenum	---
		Cyanide	0.005	---	Nickel	TVS
		Nitrate	100	---	Selenium	TVS
		Nitrite	---	0.05	Silver	TVS
		Phosphorus	---	0.17	Uranium	---
		Sulfate	---	---	Zinc	TVS
		Sulfide	---	0.002		

REGULATION #33 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS Yampa River Basin

13h. Mainstem of Dry Creek, including all tributaries and wetlands, from the confluence with Temple Gulch to the confluence with the Yampa River near Hayden.					
COUCYA13H	Classifications	Physical and Biological		Metals (ug/L)	
Designation	Agriculture	DM	MWAT	acute	chronic
UP	Aq Life Warm 2	WS-II	WS-II	Aluminum	---
	Recreation E	acute	chronic	Arsenic	340
Qualifiers: Other: <u>*Iron(chronic) = See section 33.6(4) for iron assessment locations.</u> <u>*Selenium(acute) = See section 33.6(4) for selenium site-specific standards and assessment locations.</u> <u>*Selenium(chronic) = See section 33.6(4) for selenium site-specific standards and assessment locations.</u>	D.O. (mg/L)	---	5.0	Beryllium	---
	pH	6.5 - 9.0	---	Cadmium	TVS(T)
	chlorophyll a (mg/m ²)	---	150	Chromium III	TVS
	E. Coli (per 100 mL)	---	126	Chromium VI	TVS
	Inorganic (mg/L)			Copper	TVS
		acute	chronic	Iron	---
	Ammonia	TVS	TVS	Lead	TVS
	Boron	---	0.75	Manganese	TVS
	Chloride	---	---	Mercury	0.01(t)
	Chlorine	0.019	0.011	Molybdenum	---
	Cyanide	0.005	---	Nickel	TVS
	Nitrate	100	---	Selenium	TVS varies*
	Nitrite	---	0.05	Silver	TVS
	Phosphorus	---	0.17	Uranium	---
	Sulfate	---	---	Zinc	TVS
	Sulfide	---	0.002		
13i. Mainstem of Grassy Creek, including all tributaries and wetlands, from the source to immediately above the confluence with Scotchmans Gulch.					
COUCYA13I	Classifications	Physical and Biological		Metals (ug/L)	
Designation	Agriculture	DM	MWAT	acute	chronic
UP	Aq Life Warm 2	WS-II	WS-II	Aluminum	---
	Recreation N	acute	chronic	Arsenic	340
Qualifiers: Other: <u>Temporary Modification(s):</u> <u>Iron(chronic) = current conditions*</u> <u>Expiration Date of 12/31/2018</u> <u>Selenium(chronic) = current conditions</u> <u>Expiration Date of 12/31/2018</u> <u>*Iron(chronic), 7/1-2/29 = 1000(T) ug/L. See section 33.6(4) for iron assessment locations.</u> <u>*Iron(chronic), 3/1-6/30 = 1410(T) ug/L on Grassy Creek. See section 33.6(4) for iron assessment locations.</u> <u>*Iron(chronic), 3/1-6/30 = 2000(T) ug/L on Little Grassy Creek. See section 33.6(4) for iron assessment locations.</u> <u>*Selenium(chronic) = 9.5 mg/kg dry weight whole body. See section 33.6(4) for selenium assessment locations and fish-tissue assessment method.</u> <u>*TempMod: Iron = for Grassy Creek.</u>	D.O. (mg/L)	---	5.0	Beryllium	---
	pH	6.5 - 9.0	---	Cadmium	TVS
	chlorophyll a (mg/m ²)	---	---	Chromium III	TVS
	E. Coli (per 100 mL)	---	630	Chromium VI	TVS
	Inorganic (mg/L)			Copper	TVS
		acute	chronic	Iron	<u>7/1-2/29</u> --- 1000(T)*
	Ammonia	TVS	TVS	<u>Iron</u>	<u>3/1-6/30</u> <u>==</u> <u>1410(T)*</u>
	Boron	---	0.75	<u>Iron</u>	<u>3/1-6/30</u> <u>==</u> <u>2000(T)*</u>
	Chloride	---	---	Lead	TVS
	Chlorine	0.019	0.011	Manganese	TVS
	Cyanide	0.005	---	Mercury	---
	Nitrate	100	---	Molybdenum	160(T)
	Nitrite	---	0.05	Nickel	TVS
	Phosphorus	---	0.17	Selenium	TVS TVS Tissue*
	Sulfate	---	---	Silver	TVS
	Sulfide	---	0.002	Uranium	---
				Zinc	TVS

REGULATION #33 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

Yampa River Basin

13j. Mainstem of Grassy Creek, including all tributaries and wetlands, from the confluence with Scotchmans Gulch to the confluence with the Yampa River near Hayden.						
COUCYA13J	Classifications	Physical and Biological			Metals (ug/L)	
Designation	Agriculture		DM	MWAT	acute	chronic
UP	Aq Life Warm 2	Temperature °C	WS-II	WS-II	Aluminum	---
	Recreation N		acute	chronic	Arsenic	340
Qualifiers:		D.O. (mg/L)	---	5.0	Beryllium	---
Other:		pH	6.5 - 9.0	---	Cadmium	TVS
		chlorophyll a (mg/m ²)	---	---	Chromium III	TVS
		E. Coli (per 100 mL)	---	630	Chromium VI	TVS
		Inorganic (mg/L)			Copper	TVS
			acute	chronic	Iron	---
		Ammonia	TVS	TVS	Lead	TVS
		Boron	---	0.75	Manganese	TVS
		Chloride	---	---	Mercury	---
		Chlorine	0.019	0.011	Molybdenum	---
		Cyanide	0.005	---	Nickel	TVS
		Nitrate	100	---	Selenium	3/1-6/30 TVSvaries*
		Nitrite	---	0.05	Silver	TVS
		Phosphorus	---	0.17	Uranium	---
		Sulfate	---	---	Zinc	TVS
		Sulfide	---	0.002		

*Selenium(acute) = See section 33.6(4) for ~~selenium~~ site-specific standards and assessment locations.

*Selenium(chronic) = See section 33.6(4) for ~~selenium~~ site-specific standards and assessment locations.

EXHIBIT 7
TRI-STATE GENERATION AND TRANSMISSION ASSOCIATION, INC.

DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT

Water Quality Control Commission

REGULATION NO. 37 - CLASSIFICATIONS AND NUMERIC STANDARDS FOR LOWER COLORADO RIVER BASIN

5 CCR 1002-37

37.6 TABLES

...

(4) Assessment Criteria

...

(c) Lower Colorado Segment 4e Iron Standards and Assessment

Unnamed Tributary, Iron (chronic) = 3500 (T) µg/L, assessment location as follows:

- UT-2: Unnamed Tributary, immediately downstream of the Tri-State Rifle Station discharge (39.519572, -107.729424)

Dry Creek and remaining tributaries and wetlands, Iron (chronic) = 5900 (T) µg/L, assessment location as follows:

- DC-2: Dry Creek, downstream of dry tributary channel entering from the east from the Garfield County Airport (39.523944, -107.73496)

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37.39 STATEMENT OF BASIS, SPECIFIC STATUTORY AUTHORITY AND PURPOSE; DECEMBER 11, 2017 RULEMAKING; FINAL ACTION JANUARY 8, 2018; EFFECTIVE DATE JUNE 30, 2018

The provisions of C.R.S. 25-8-202(1)(a), (b) and (2); 25-8-203; 25-8-204; and 25-8-402; provide the specific statutory authority for adoption of these regulatory amendments. The commission also adopted in compliance with 24-4-103(4) C.R.S. the following statement of basis and purpose.

BASIS AND PURPOSE

Lower Colorado River Segment 4e: temporary modifications of the iron (expire 12/31/2018) and copper (expire 12/31/2019) standards on Lower Colorado Segment 4e were reviewed. The Commission deleted the iron temporary modification and adopted site-specific iron standards based on the evidence submitted

by Tri-State Generation and Transmission Association, Inc. Tri-State also presented evidence that it is making progress on the plan for eliminating the need for the copper temporary modification.

IRON

Tri-State submitted sufficient data and justification to support two ambient-based site-specific total recoverable iron standards for Segment 4e: one based on data from the Unnamed Tributary (Site UT-2) located immediately below Tri-State Rifle Station's discharge, and one based on data from a downstream site on Dry Creek (Site DC-2), the furthest downstream sample site. Data were included from samples taken at times when no discharge from the Rifle Station was occurring to represent the natural iron concentrations. These data indicated that natural sources of ambient iron present within the Dry Creek watershed are driving the instream concentrations of total recoverable iron detected at sample locations downstream of the Tri-State Rifle Station. The Commission adopted a standard of 3500 µg/L for the Unnamed Tributary, and a standard of 5900 µg/L for the remaining parts of the segment, as a conservative approach based on background conditions. Evidence submitted by Tri-State demonstrated that ambient iron concentrations were not inhibiting the attainment of the limited aquatic use. Therefore, ambient iron concentrations provide a reasonable basis for site-specific standards, which are expected to protect the aquatic community.

The Commission specified assessment locations for the two iron standards at section 37.6(4)(c) to ensure that future assessment is consistent with the methods used to derive the standards.

The Commission removed the temporary modification for iron of "current condition" that had previously been in place for Lower Colorado Segment 4e.

COPPER

The Commission considered the temporary modification for copper for Lower Colorado Segment 4e. Tri-State continues to make progress on the temporary modification of the copper standard, and plans to propose standards at the June 2019 basin rulemaking.

**COLORADO DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT
WATER QUALITY CONTROL COMMISSION**

5 CCR 1002-37

**REGULATION NO. 37
CLASSIFICATIONS AND NUMERIC STANDARDS
FOR
LOWER COLORADO RIVER BASIN**

**APPENDIX 37-1
Stream Classifications and Water Quality Standards Tables**

Effective 06/30/~~2017~~2018

REGULATION #37 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

Lower Colorado River

4e. Mainstem of Dry Creek including all tributaries and wetlands from the source to immediately above the Last Chance Ditch.						
COLCLC04E	Classifications	Physical and Biological			Metals (ug/L)	
Designation	Agriculture		DM	MWAT	acute	chronic
UP	Aq Life Cold 2	Temperature °C	CS-II	CS-II	Aluminum	---
	Recreation N		acute	chronic	Arsenic	340
Qualifiers:		D.O. (mg/L)	---	5.0	Beryllium	---
Other:		pH	6.5 - 9.0	---	Cadmium	TVS
Temporary Modification(s):		chlorophyll a (mg/m²)	---	---	Chromium III	TVS
Copper(ac/ch) = current conditions		E. Coli (per 100 mL)	---	630	Chromium III	---
Expiration Date of 12/31/2019		Inorganic (mg/L)			Chromium VI	TVS
Iron(chronic) = current conditions			acute	chronic	Copper	TVS
Expiration Date of 12/31/2018		Ammonia	TVS	TVS	Iron	---
*Iron(chronic) = See section 37.6(4) for iron assessment locations.		Boron	---	0.75	Iron	---
*Iron(chronic) = 3500 (T) ug/L on Unnamed Tributary. See section 37.6(4) for iron assessment locations.		Chloride	---	---	Lead	TVS
*Phosphorus(chronic) = applies only above the facilities listed at 37.5(4).		Chlorine	0.019	0.011	Manganese	TVS
		Cyanide	0.005	---	Mercury	---
		Nitrate	100	---	Molybdenum	---
		Nitrite	---	0.05	Nickel	TVS
		Phosphorus	---	0.11*	Selenium	TVS
		Sulfate	---	---	Silver	TVS
		Sulfide	---	0.002	Uranium	---
					Zinc	TVS

Notice of Proposed Rulemaking

Tracking number

2017-00352

Department

1000 - Department of Public Health and Environment

Agency

1002 - Water Quality Control Commission (1002 Series)

CCR number

5 CCR 1002-33

Rule title

REGULATION NO. 33 - CLASSIFICATIONS AND NUMERIC STANDARDS FOR UPPER COLORADO RIVER BASIN AND NORTH PLATTE RIVER (PLANNING REGION 12)

Rulemaking Hearing**Date**

12/11/2017

Time

12:00 PM

Location

Sabin Conference Room, CDPHE, 4300 Cherry Creek Drive South, Denver, CO 80246

Subjects and issues involved

new temporary modifications and revisions to current temporary modifications of water quality standards expiring on or before December 31, 2019, and new site specific standards that allow for the deletion of current temporary modifications expiring on or before December 31, 2019

Statutory authority

sections 25-8-202(1)(a), (b), and (2); 25-8-203; 25-8-204; and 25-8-402, C.R.S.

Contact information**Name**

Blake Beyea

Title

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COLORADO

Water Quality
Control Commission

Department of Public Health & Environment

NOTICE OF PUBLIC RULEMAKING HEARING BEFORE THE COLORADO WATER QUALITY CONTROL COMMISSION

SUBJECT:

For consideration of the adoption of new temporary modifications and revisions to current temporary modifications of water quality standards expiring on or before December 31, 2019, and new site specific standards that allow for the deletion of current temporary modifications expiring on or before December 31, 2019, for multiple segments in the Classifications and Numeric Standards for:

- Arkansas River Basin, Regulation #32 (5 CCR 1002-32);
- Upper Colorado River Basin and North Platte River, Regulation #33 (5 CCR 1002-33);
- Rio Grande Basin, Regulation #36 (5 CCR 1002-36);
- Lower Colorado River Basin, Regulation #37 (5 CCR 1002-37); and
- South Platte River Basin, Laramie River Basin, Republican River Basin, Smoky Hill River Basin, Regulation #38 (5 CCR 1002-38).

Proposed revisions and proposed Statements of Basis, Specific Statutory Authority and Purpose have been submitted by the following:

- Exhibit 1 - Regulation #32, Water Quality Control Division (division);
- Exhibit 2 - Regulation #33, division;
- Exhibit 3 - Regulation #36, division;
- Exhibit 4 - Regulation #37, division;
- Exhibit 5 - Regulation #38, division;
- Exhibit 6 - Regulation #33, Peabody Sage Creek Mining Company and Seneca Coal Company (Peabody_Seneca); and
- Exhibit 7 - Regulation #37, Tri-State Generation and Transmission Association, Inc. (Tri-State).

In these attachments, proposed new language is shown with double-underlining and proposed deletions are shown with ~~strikeouts~~. Any alternative proposals related to proposed new temporary modifications or current temporary modifications identified in Exhibits 1 through 7, with expiration dates on or before December 31, 2019, will also be considered.

SCHEDULE OF IMPORTANT DATES

Proponent's prehearing statement due	09/27/2017 5 pm	Additional information below.
Party status requests due	10/04/2017 5 pm	Additional information below.
Responsive prehearing statements due	10/27/2017 5 pm	Additional information below.

Rebuttal statements due	11/22/2017 5 pm	Additional information below.
Last date for submittal of motions	11/27/2017 5 pm	Additional information below.
Notify commission office if participating in prehearing conference by phone	11/27/2017 by noon	Send email to cdphe.wgcc@state.co.us with participant(s) name(s)
Prehearing Conference (mandatory for parties)	11/28/2017 2:00 pm	Florence Sabin Conference Room Department of Public Health and Environment 4300 Cherry Creek Drive South Denver, CO 80246 Call-in: 1-857-216-6700, Code: 425132
Rulemaking Hearing	12/11/2017 12:00 pm	Florence Sabin Conference Room Department of Public Health and Environment 4300 Cherry Creek Drive South Denver, CO 80246

HEARING SUBMITTALS:

For this hearing, the commission will receive all submittals electronically. Submittals must be provided as PDF documents, except for raw data exhibits which may be provided as Excel workbooks. Submittals may be emailed to cdphe.wgcc@state.co.us, provided via an FTP site, CD or flash drive, or otherwise conveyed to the commission office so as to be received no later than the specified date.

PARTY STATUS:

Party status requests must be in writing and must provide:

- the organization's name,
- one contact person,
- a mailing address,
- a phone number, and
- email addresses of all individuals associated with the party who wish to be notified when new submittals are available on the commission's website for review.

In accordance with section 25-8-104(2)(d), C.R.S., any person who believes that the actions proposed in this notice have the potential to cause material injury to his or her water rights is requested to so indicate, along with an explanation of the alleged harm, in their party status request.

PREHEARING AND REBUTTAL STATEMENTS:

Each party must submit a prehearing statement: parties that have proposed revisions attached as exhibits to the notice must submit a proponent's prehearing statement. All other parties must submit a responsive prehearing statement. Proponents may also submit responsive prehearing statements when there are multiple proposals attached to the notice.

Each prehearing and rebuttal statement must be provided as a separate PDF document from any accompanying written testimony or exhibits.

Following the rebuttal statement due date, no other written materials will be accepted from parties except for good cause shown.

Oral testimony at the hearing should primarily summarize written material previously submitted. The hearing will emphasize commission questioning of parties and other interested persons about their written prehearing submittals. Introduction of written material at the hearing by those with party status will not be permitted unless authorized by the commission.

PREHEARING CONFERENCE:

Attendance at the prehearing conference is mandatory for all persons requesting party status. Parties needing to participate by telephone are encouraged to notify the commission office prior to the prehearing conference. Remote participants can call 1-857-216-6700 and enter the conference code 425132.

Following the cut-off date for motions, no motions will be accepted, except for good cause shown.

PUBLIC PARTICIPATION ENCOURAGED:

The commission encourages input from non-parties, either orally at the hearing or in writing prior to the hearing. Written submissions should be emailed to cdphe.wgccc@state.co.us by November 29, 2017.

SPECIFIC STATUTORY AUTHORITY:

The provisions of sections 25-8-202(1)(a), (b), and (2); 25-8-203; 25-8-204; and 25-8-402, C.R.S., provide the specific statutory authority for consideration of the regulatory amendments proposed by this notice. Should the commission adopt the regulatory language as proposed in this notice or alternative amendments, it will also adopt, in compliance with section 24-4-103(4) C.R.S., an appropriate Statement of Basis, Specific Statutory Authority, and Purpose.

Dated this 8th day of August, 2017 at Denver, Colorado.

WATER QUALITY CONTROL COMMISSION



Digitally signed by Trisha Oeth
DN: cn=Trisha Oeth, o, ou=Water
Quality Control Commission,
email=trisha.oeth@state.co.us, c=US
Date: 2017.08.08 08:32:03 -06'00'

Trisha Oeth, Administrator

EXHIBIT 1
WATER QUALITY CONTROL DIVISION

COLORADO DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT
WATER QUALITY CONTROL COMMISSION

5 CCR 1002-32

REGULATION NO. 32
CLASSIFICATIONS AND NUMERIC STANDARDS
FOR
ARKANSAS RIVER BASIN

....

32.60 STATEMENT OF BASIS, SPECIFIC STATUTORY AUTHORITY AND PURPOSE; DECEMBER 11, 2017 RULEMAKING; FINAL ACTION JANUARY 8, 2018; EFFECTIVE DATE JUNE 30, 2018

The provisions of C.R.S. 25-8-202(1)(a), (b) and (2); 25-8-203; 25-8-204; and 25-8-402; provide the specific statutory authority for adoption of these regulatory amendments. The commission also adopted in compliance with 24-4-103(4) C.R.S. the following statement of basis and purpose.

BASIS AND PURPOSE

Pursuant to the requirements in the Basic Standards (at 31.7(3)), the commission reviewed the status of temporary modifications scheduled to expire before December 31, 2019 to determine whether the temporary modification should be modified, eliminated, or extended.

No action: The commission took no action on the temporary modifications on the following segments:

Upper Arkansas Segment 8b: temporary modifications of the temperature, cadmium, and zinc standards. The commission took no action on the temporary modification of the temperature standard. This temporary modification was deleted from the table because it expires 12/31/2017. For the temporary modifications of the cadmium and zinc standards (expire 12/31/2018), the commission took no action. Resurrection Mining Company presented evidence that they are making progress on the plan for eliminating the need for the temporary modifications. The commission made no change to the expiration date as the original time allotment was deemed adequate to resolve the uncertainty.

Middle Arkansas Segment 4b: temporary modifications of the ammonia, arsenic, boron, cadmium, chlorine, chlorophyll a, chromium III, chromium VI, copper, cyanide, D.O., E. coli, iron, lead, manganese, mercury, molybdenum, nickel, nitrate, nitrite, pH, phosphorus, selenium, silver, sulfide, and zinc standards (expire 12/31/2018). EVRAZ presented evidence that they are making progress on the plan for eliminating the need for the temporary modifications. The commission made no change to the expiration date as the original time allotment was deemed adequate to resolve the uncertainty.

Middle Arkansas Segment 6b: temporary modification of the temperature standard (expires 12/31/2018). Public Service Company of Colorado presented evidence that they are making

progress on the plan for eliminating the need for the temporary modifications. The commission made no change to the expiration date as the original time allotment was deemed adequate to resolve the uncertainty.

Lower Arkansas Segment 1a: temporary modifications of the selenium and sulfate standards (expire 12/31/2018). The City of Pueblo is making progress on its plans to seek a discharger specific variance (DSV). The commission made no change to the expiration date as the original time allotment was deemed adequate to resolve the uncertainty.

**COLORADO DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT
WATER QUALITY CONTROL COMMISSION**

5 CCR 1002-32

**REGULATION NO. 32
CLASSIFICATIONS AND NUMERIC STANDARDS
FOR
ARKANSAS RIVER BASIN**

**APPENDIX 32-1
Stream Classifications and Water Quality Standards Tables**

Effective ~~06/30/2017~~ 06/30/2018

REGULATION #32 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

Upper Arkansas River Basin

8b. Mainstem of Iowa Gulch from a point immediately below the historic upper ASARCO water supply intake at 39.224327, -106.223432 to a point immediately below the headgate of the Paddock #1 Ditch (Iowa Ditch).						
COARUA08B	Classifications	Physical and Biological			Metals (ug/L)	
Designation	Agriculture	DM		MWAT	acute	chronic
UP	Aq Life Cold 2	Temperature °C	CS-II	CS-II	Aluminum	---
	Recreation E	acute	chronic		Arsenic	340
Qualifiers:		D.O. (mg/L)	---	6.0	Beryllium	---
Other:		D.O. (spawning)	---	7.0	Cadmium	SSE*
Temporary Modification(s):		pH	6.5 - 9.0	---	Chromium III	TVS
Cadmium(chronic) = 1.6		chlorophyll a (mg/m2)	---	150	Chromium III	---
Zinc(acute) = 754		E. Coli (per 100 mL)	---	126	Chromium VI	TVS
Zinc(chronic) = 505		Inorganic (mg/L)			Copper	TVS
Expiration Date of 12/31/2018		acute	chronic		Iron	---
temperature(DM) = No-acute-standard		Ammonia	TVS	TVS	Lead	TVS
temperature(MWAT) = 14		Boron	---	0.75	Manganese	TVS
Expiration Date of 12/31/2017		Chloride	---	---	Mercury	---
*Cadmium(acute) = (1.136672-		Chlorine	0.019	0.011	Molybdenum	---
[ln(hardness)*0.041838]*e^(0.9789*ln(hardness)-		Cyanide	---	---	Nickel	TVS
3.5146)		Nitrate	100	---	Selenium	TVS
		Nitrite	---	0.05	Silver	TVS
		Phosphorus	---	0.11	Uranium	---
		Sulfate	---	---	Zinc	TVS
		Sulfide	---	0.002		TVS

All metals are dissolved unless otherwise noted.
T = total recoverable
t = total
tr = trout

D.O. = dissolved oxygen
DM = daily maximum
MWAT = maximum weekly average temperature
See 32.6 for details on TVS, TVS(tr), WS, temperature standards.

REGULATION #32 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

Middle Arkansas River Basin

4b. Mainstem of Rock Creek, Salt Creek and Peck Creek from their sources to the confluence with the Arkansas River.						
COARMA04B Classifications		Physical and Biological			Metals (ug/L)	
Designation			DM	MWAT	acute	chronic
UP	Agriculture					
	Aq Life Warm 1	Temperature °C	WS-II	WS-II	Aluminum	---
	Recreation E		acute	chronic	Arsenic	340 7.6(T)
Qualifiers:		D.O. (mg/L)	---	5.0	Beryllium	---
Other:		pH	6.5 - 9.0	---	Cadmium	TVS TVS
Temporary Modification(s):		chlorophyll a (mg/m2)	---	150	Chromium III	TVS TVS
Ammonia(ac/ch) = current conditions		E. Coli (per 100 mL)	---	126	Chromium III	---
Arsenic(ac/ch) = current conditions		Inorganic (mg/L)			Chromium VI	TVS TVS
Boron(chronic) = current conditions			acute	chronic	Copper	TVS TVS
Cadmium(ac/ch) = current conditions		Ammonia	TVS	TVS	Iron	---
Chlorine(ac/ch) = current conditions		Boron	---	0.75	Lead	TVS TVS
chlorophyll a (mg/m2)(chronic) = current conditions		Chloride	---	---	Manganese	TVS TVS
Chromium III(chronic) = current conditions		Chlorine	0.019	0.011	Mercury	---
Chromium III(ac/ch) = current conditions		Cyanide	0.005	---	Molybdenum	---
Chromium VI(ac/ch) = current conditions		Nitrate	100	---	Nickel	TVS TVS
Copper(ac/ch) = current conditions		Nitrite	---	0.05	Selenium	TVS TVS
Cyanide(acute) = current conditions		Phosphorus	---	0.17	Silver	TVS TVS
D.O. (mg/L)(chronic) = current conditions		Sulfate	---	---	Uranium	---
E. Coli (per 100 mL)(chronic) = current conditions		Sulfide	---	0.002	Zinc	TVS TVS
Iron(chronic) = current conditions						
Lead(ac/ch) = current conditions						
Manganese(ac/ch) = current conditions						
Mercury(chronic) = current conditions						
Molybdenum(chronic) = current conditions						
Nickel(ac/ch) = current conditions						
Nitrate(acute) = current conditions						
Nitrite(chronic) = current conditions						
pH(acute) = current conditions						
Phosphorus(chronic) = current conditions						
Selenium(ac/ch) = current conditions						
Silver(ac/ch) = current conditions						
Sulfide(chronic) = current conditions						
Zinc(ac/ch) = current conditions						
Expiration Date of 12/31/2018						

All metals are dissolved unless otherwise noted.
T = total recoverable
t = total
tr = trout

D.O. = dissolved oxygen
DM = daily maximum
MWAT = maximum weekly average temperature
See 32.6 for details on TVS, TVS(tr), WS, temperature standards.

REGULATION #32 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

Middle Arkansas River Basin

6b. Mainstem of the Saint Charles River from the confluence with Edson Arroyo to the confluence with the Arkansas River.						
OARMA06B	Classifications	Physical and Biological			Metals (ug/L)	
Designation		DM	MWAT		acute	chronic
UP	Agriculture					
	Aq Life Warm 2	Temperature °C	WS-II	WS-II	Aluminum	---
	Recreation E		acute	chronic	Arsenic	340
	Water Supply	D.O. (mg/L)	---	5.0	Beryllium	0.02-10(T) ^A
Qualifiers:		pH	6.5 - 9.0	---	Cadmium	TVS
Other:		chlorophyll a (mg/m2)	---	---	Chromium III	50(T)
Temporary Modification(s):		E. Coli (per 100 mL)	---	126	Chromium VI	TVS
temperature(DM/MWAT) = "current conditions"		Inorganic (mg/L)			Copper	TVS
Expiration Date of 12/31/2018			acute	chronic	Iron	---
*Selenium(acute) = See selenium assessment location at 32.6(4).		Ammonia	TVS	TVS	Iron	1000(T)
*Selenium(chronic) = See selenium assessment location at 32.6(4).		Boron	---	0.75	Lead	TVS
		Chloride	---	250	Manganese	TVS
		Chlorine	---	0.011	Manganese	---
		Cyanide	0.005	---	Mercury	0.01(t)
		Nitrate	10	---	Molybdenum	---
		Nitrite	---	0.05	Nickel	TVS
		Phosphorus	---	---	Selenium	173*
		Sulfate	---	WS	Silver	TVS
		Sulfide	---	0.002	Uranium	---
					Zinc	TVS

All metals are dissolved unless otherwise noted.
T = total recoverable
t = total
tr = trout

D.O. = dissolved oxygen
DM = daily maximum
MWAT = maximum weekly average temperature
See 32.6 for details on TVS, TVS(tr), WS, temperature standards.

Lower Arkansas River Basin

1a. Mainstem of the Arkansas River from a point immediately above the confluence with Fountain Creek to immediately above the Colorado Canal headgate near Avondale.

T = total
t = total
tr = trout

DM = daily maximum
MWAT = maximum weekly average temperature
See 32.6 for details on TVS. TVS(tr). WS. temperature standards.

EXHIBIT 2
WATER QUALITY CONTROL DIVISION

COLORADO DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT
WATER QUALITY CONTROL COMMISSION

5 CCR 1002-33

REGULATION NO. 33
CLASSIFICATIONS AND NUMERIC STANDARDS
FOR
UPPER COLORADO RIVER BASIN AND
NORTH PLATTE RIVER (PLANNING REGION 12)

....

33.60 STATEMENT OF BASIS, SPECIFIC STATUTORY AUTHORITY AND PURPOSE; DECEMBER 11, 2017 RULEMAKING; FINAL ACTION JANUARY 8, 2018; EFFECTIVE DATE JUNE 30, 2018

The provisions of C.R.S. 25-8-202(1)(a), (b) and (2); 25-8-203; 25-8-204; and 25-8-402; provide the specific statutory authority for adoption of these regulatory amendments. The commission also adopted in compliance with 24-4-103(4) C.R.S. the following statement of basis and purpose.

BASIS AND PURPOSE

Pursuant to the requirements in the Basic Standards (at 31.7(3)), the commission reviewed the status of temporary modifications scheduled to expire before December 31, 2019 to determine whether the temporary modification should be modified, eliminated, or extended.

No action: The commission took no action on the temporary modifications on the following segments:

Blue River Segment 14: temporary modification of the molybdenum standard (expires 12/31/2017). The commission took no action on this temporary modification.

Yampa River Segments 13b, 13d, 13e, 13g, 13i: temporary modifications of the selenium (13b, 13d, 13e, 13g, 13i) and iron (13d, 13i) standards (expire 12/31/2018). Seneca-Peabody presented evidence that it is making progress on the plan for eliminating the need for the temporary modifications. The commission made no change to the expiration date of the temporary modifications on these segments as the original time allotment was deemed adequate to resolve the uncertainty.

New temporary modifications of the arsenic standard:

Consistent with the actions taken in 2013, the commission adopted a temporary modification of the arsenic standard on segments on the following list, with an expiration date of 12/31/2021. At the April 8, 2013 rulemaking, the commission heard testimony that concurred with the finding from a December 13, 2011 rulemaking hearing that an initial reasonable lower limit of treatment technology for arsenic is 3.0 µg/L, pending further investigation by the division, dischargers and stakeholders. The temporary modification was established by the commission to allow for a

temporarily less stringent application of the chronic arsenic standard in control requirements for both existing discharges and new or increased discharges.

Upper Colorado Segment 2
Blue River Segment 2a
Roaring Fork Segment 12
Yampa River Segment 2a

**COLORADO DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT
WATER QUALITY CONTROL COMMISSION**

5 CCR 1002-33

**REGULATION NO. 33
CLASSIFICATIONS AND NUMERIC STANDARDS
FOR
UPPER COLORADO RIVER BASIN AND
NORTH PLATTE RIVER (PLANNING REGION 12)**

**APPENDIX 33-1
Stream Classifications and Water Quality Standards Tables**

Effective 06/30/~~2017~~2018

REGULATION #33 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

Upper Colorado River Basin

2. Mainstem of the Colorado River, including all tributaries and wetlands within, or flowing into Arapahoe National Recreation Area.							
COUCUC02	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture		DM	MWAT	acute	chronic	
Reviewable	Aq Life Cold 1	Temperature °C	CS-I	CS-I	Aluminum	---	---
	Recreation E		acute	chronic	Arsenic	340	0.02(T)
	Water Supply	D.O. (mg/L)	---	6.0	Beryllium	---	---
Qualifiers:		D.O. (spawning)	---	7.0	Cadmium	TVS(tr)	TVS
Other:		pH	6.5 - 9.0	---	Chromium III	50(T)	TVS
<u>Temporary Modification(s):</u>		chlorophyll a (mg/m2)	---	150	Chromium VI	TVS	TVS
<u>Arsenic(chronic) = hybrid</u>		E. Coli (per 100 mL)	---	126	Copper	TVS	TVS
<u>Expiration Date of 12/31/2021</u>					Iron	---	WS
		Inorganic (mg/L)			Iron	---	1000(T)
			acute	chronic	Lead	TVS	TVS
		Ammonia	TVS	TVS	Manganese	TVS	TVS
		Boron	---	0.75	Manganese	---	WS
		Chloride	---	250	Mercury	---	0.01(t)
		Chlorine	0.019	0.011	Molybdenum	---	160(T)
		Cyanide	0.005	---	Nickel	TVS	TVS
		Nitrate	10	---	Selenium	TVS	TVS
		Nitrite	---	0.05	Silver	TVS	TVS(tr)
		Phosphorus	---	0.11	Uranium	---	---
		Sulfate	---	WS	Zinc	TVS	TVS
		Sulfide	---	0.002	Zinc	---	TVS(sc)

All metals are dissolved unless otherwise noted.
T = total recoverable
t = total
tr = trout
sc = sculpin

D.O. = dissolved oxygen
DM = daily maximum
MWAT = maximum weekly average temperature
See 33.6 for details on TVS, TVS(tr), TVS(sc), WS, temperature standards.

REGULATION #33 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

2a. Mainstem of the Blue River from the confluence with French Gulch to a point one half mile below Summit County Road 3.							
COUCBL02A		Classifications		Physical and Biological		Metals (ug/L)	
Designation	Agriculture		DM	MWAT		acute	chronic
UP	Aq Life Cold 1	Temperature °C	CS-I	CS-I	Aluminum	---	---
	Recreation E		acute	chronic	Arsenic	340	0.02(T)
	Water Supply	D.O. (mg/L)	---	6.0	Beryllium	---	---
Qualifiers:		D.O. (spawning)	---	7.0	Cadmium	4	4
Other:		pH	6.5 - 9.0	---	Chromium III	50(T)	TVS
Temporary Modification(s):		chlorophyll a (mg/m2)	---	150*	Chromium VI	TVS	TVS
Arsenic(chronic) = hybrid		E. Coli (per 100 mL)	---	126	Copper	TVS	TVS
Expiration Date of 12/31/2021					Iron	---	WS
		Inorganic (mg/L)			Iron	---	1000(T)
			acute	chronic	Lead	TVS	TVS
		Ammonia	TVS	TVS	Manganese	TVS	TVS
		Boron	---	0.75	Manganese	---	WS
		Chloride	---	250	Mercury	---	0.01(t)
		Chlorine	0.019	0.011	Molybdenum	---	160(T)
		Cyanide	0.005	---	Nickel	TVS	TVS
		Nitrate	10	---	Selenium	TVS	TVS
		Nitrite	---	0.05	Silver	TVS	TVS(tr)
		Phosphorus	---	0.11*	Uranium	---	---
		Sulfate	---	WS	Zinc	SSE*	SSE*
		Sulfide	---	0.002			
14. Mainstem of Tennile Creek, including all tributaries and wetlands from a point immediately above the confluence with West Tennile Creek to Dillon Reservoir, except for the specific listing in Segment 16.							
COUCBL14		Classifications		Physical and Biological		Metals (ug/L)	
Designation	Agriculture		DM	MWAT		acute	chronic
Reviewable	Aq Life Cold 1	Temperature °C	CS-I	CS-I	Aluminum	---	---
	Recreation E		acute	chronic	Arsenic	340	0.02(T)
	Water Supply	D.O. (mg/L)	---	6.0	Beryllium	---	---
Qualifiers:		D.O. (spawning)	---	7.0	Cadmium	TVS(tr)	TVS
Other:		pH	6.5 - 9.0	---	Chromium III	50(T)	TVS
Temporary Modification(s):		chlorophyll a (mg/m2)	---	150*	Chromium VI	TVS	TVS
Arsenic(chronic) = hybrid		E. Coli (per 100 mL)	---	126	Copper	TVS	TVS
Expiration Date of 12/31/2021					Iron	---	WS
Molybdenum(chronic) = current conditions		Inorganic (mg/L)			Iron	---	1000(T)
Expiration Date of 12/31/2017			acute	chronic	Lead	TVS	TVS
		Ammonia	TVS	TVS	Manganese	TVS	TVS
		Boron	---	0.75	Manganese	---	WS
		Chloride	---	250	Mercury	---	0.01(t)
		Chlorine	0.019	0.011	Molybdenum	---	210(T)
		Cyanide	0.005	---	Nickel	TVS	TVS
		Nitrate	10	---	Selenium	TVS	TVS
		Nitrite	---	0.05	Silver	TVS	TVS(tr)
		Phosphorus	---	0.11*	Uranium	---	---
		Sulfate	---	WS	Zinc	TVS	TVS
		Sulfide	---	0.002	Zinc	---	TVS(sc)

All metals are dissolved unless otherwise noted.
T = total recoverable
t = total
tr = trout
sc = sculpin

D.O. = dissolved oxygen
DM = daily maximum
MWAT = maximum weekly average temperature
See 33.6 for details on TVS, TVS(tr), TVS(sc), WS, temperature standards.

REGULATION #33 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS Roaring Fork River Basin

12. All lakes and reservoirs tributary to the Roaring Fork River except for specific listings in Segment 11.								
COUCRF12	Classifications	Physical and Biological			Metals (ug/L)			
Designation	Agriculture		DM	MWAT	acute	chronic		
Reviewable	Aq Life Cold 1	Temperature °C	4/1 - 12/31	CLL*	20.3* ^B	Aluminum	---	---
	Recreation E	Temperature °C		CL,CLL	CL,CLL	Arsenic	340	0.02(T)
	Water Supply					Beryllium	---	---
	DUWS*					Cadmium	TVS(tr)	TVS
Qualifiers:			acute	chronic	Chromium III	50(T)	TVS	
Other:		D.O. (mg/L)	---	6.0	Chromium VI	TVS	TVS	
<u>Temporary Modification(s):</u>		D.O. (spawning)	---	7.0	Copper	TVS	TVS	
<u>Arsenic(chronic) = hybrid</u>		pH	6.5 - 9.0	---	Iron	---	WS	
<u>Expiration Date of 12/31/2021</u>		chlorophyll a (ug/L)	---	8*	Iron	---	1000(T)	
		E. Coli (per 100 mL)	---	126	Lead	TVS	TVS	
					Manganese	TVS	TVS	
		Inorganic (mg/L)			Manganese	---	WS	
			acute	chronic	Mercury	---	0.01(t)	
		Ammonia	TVS	TVS	Molybdenum	---	160(T)	
		Boron	---	0.75	Nickel	TVS	TVS	
		Chloride	---	250	Selenium	TVS	TVS	
		Chlorine	0.019	0.011	Silver	TVS	TVS(tr)	
		Cyanide	0.005	---	Uranium	---	---	
		Nitrate	10	---	Zinc	TVS	TVS	
		Nitrite	---	0.05				
		Phosphorus	---	0.025*				
		Sulfate	---	WS				
		Sulfide	---	0.002				

All metals are dissolved unless otherwise noted.
T = total recoverable
t = total
tr = trout
sc = sculpin

D.O. = dissolved oxygen
DM = daily maximum
MWAT = maximum weekly average temperature
See 33.6 for details on TVS, TVS(tr), TVS(sc), WS, temperature standards.

REGULATION #33 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

Yampa River Basin

2a. Mainstem of the Yampa River from the confluence with Wheeler Creek to a point immediately above the confluence with Oak Creek.						
COUCYA02A	Classifications	Physical and Biological			Metals (ug/L)	
Designation	Agriculture	DM		MWAT	acute	chronic
Reviewable	Aq Life Cold 1	Temperature °C	CS-I	CS-I	Aluminum	---
	Recreation E		acute	chronic	Arsenic	340
	Water Supply	D.O. (mg/L)	---	6.0	Beryllium	---
Qualifiers:		D.O. (spawning)	---	7.0	Cadmium	TVS(tr)
Other:		pH	6.5 - 9.0	---	Chromium III	50(T)
<u>Temporary Modification(s):</u>		chlorophyll a (mg/m2)	---	150*	Chromium VI	TVS
<u>Arsenic(chronic) = hybrid</u>		E. Coli (per 100 mL)	---	126	Copper	TVS
<u>Expiration Date of 12/31/2021</u>					Iron	---
*chlorophyll a (mg/m2)(chronic) = applies only above the facilities listed at 33.5(4). *Phosphorus(chronic) = applies only above the facilities listed at 33.5(4).		Inorganic (mg/L)			Iron	---
			acute	chronic	Lead	TVS
		Ammonia	TVS	TVS	Manganese	TVS
		Boron	---	0.75	Manganese	---
		Chloride	---	250	Mercury	---
		Chlorine	0.019	0.011	Molybdenum	---
		Cyanide	0.005	---	Nickel	TVS
		Nitrate	10	---	Selenium	TVS
		Nitrite	---	0.05	Silver	TVS
		Phosphorus	---	0.11*	Uranium	---
		Sulfate	---	WS	Zinc	TVS
		Sulfide	---	0.002	Zinc	---
						TVS(sc)
13b. Mainstem of Foidel Creek, including all tributaries and wetlands. Mainstem Fish Creek, including all tributaries from County Road 27 downstream to the confluence with Trout Creek, except for specific listings in Segment 13g. Middle Creek and all tributaries, from County Road 27 downstream to the confluence with Trout Creek.						
COUCYA13B	Classifications	Physical and Biological			Metals (ug/L)	
Designation	Agriculture	DM		MWAT	acute	chronic
Reviewable	Aq Life Warm 1	Temperature °C	WS-II	WS-II	Aluminum	---
	Recreation E		acute	chronic	Arsenic	340
Qualifiers:		D.O. (mg/L)	---	6.0	Beryllium	---
Other:		D.O. (spawning)	---	7.0	Cadmium	TVS(tr)
Temporary Modification(s):		pH	6.5 - 9.0	---	Chromium III	TVS
Selenium(chronic) = current conditions*		chlorophyll a (mg/m2)	---	150	Chromium III	---
Expiration Date of 12/31/2018		E. Coli (per 100 mL)	---	126	Chromium VI	TVS
*Iron(chronic) = See section 33.6(4) for iron assessment locations. *Iron(chronic) = 2,090(T) ug/L for Middle Creek. See section 33.6(4) for iron assessment locations. *TempMod: Selenium = for Foidel and Middle Creeks.					Copper	TVS
		Inorganic (mg/L)			Iron	---
			acute	chronic	Iron	3/1 - 6/30
		Ammonia	TVS	TVS	Lead	TVS
		Boron	---	0.75	Manganese	TVS
		Chloride	---	---	Mercury	---
		Chlorine	0.019	0.011	Molybdenum	---
		Cyanide	0.005	---	Nickel	TVS
		Nitrate	100	---	Selenium	TVS
		Nitrite	---	0.05	Silver	TVS
		Phosphorus	---	0.11	Uranium	---
		Sulfate	---	---	Zinc	TVS
		Sulfide	---	0.002		

All metals are dissolved unless otherwise noted.
 T = total recoverable
 t = total
 tr = trout
 sc = sculpin

D.O. = dissolved oxygen
 DM = daily maximum
 MWAT = maximum weekly average temperature
 See 33.6 for details on TVS, TVS(tr), TVS(sc), WS, temperature standards.

REGULATION #33 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

Yampa River Basin

13d. Mainstem of Dry Creek, including all tributaries and wetlands, from the source to just above the confluence with Temple Gulch.								
COUCYA13D	Classifications	Physical and Biological			Metals (ug/L)			
Designation	Agriculture		DM	MWAT		acute	chronic	
UP	Aq Life Warm 2	Temperature °C	WS-II	WS-II	Aluminum	---	---	
	Recreation E		acute	chronic	Arsenic	340	100(T)	
Qualifiers:		D.O. (mg/L)	---	5.0	Beryllium	---	---	
Other:		pH	6.5 - 9.0	---	Cadmium	TVS	TVS	
Temporary Modification(s):		chlorophyll a (mg/m2)	---	150	Chromium III	TVS	TVS	
Iron(chronic) = current condition		E. Coli (per 100 mL)	---	126	Chromium III	---	100(T)	
Selenium(chronic) = current conditions		Inorganic (mg/L)			Chromium VI	TVS	TVS	
Expiration Date of 12/31/2018			acute	chronic	Copper	TVS	TVS	
Iron(chronic) = See section 33.6(4) for iron assessment locations.		Ammonia	TVS	TVS	Iron	5/1 - 2/29	---	1110(T)
Iron(chronic) = See section 33.6(4) for iron assessment locations.		Boron	---	0.75	Iron	3/1 - 4/30	---	3040(T)
		Chloride	---	---	Lead	TVS	TVS	
		Chlorine	0.019	0.011	Manganese	TVS	TVS	
		Cyanide	0.005	---	Mercury	---	0.01(t)	
		Nitrate	100	---	Molybdenum	---	160(T)	
		Nitrite	---	0.05	Nickel	TVS	TVS	
		Phosphorus	---	0.17	Selenium	TVS	TVS	
		Sulfate	---	---	Silver	TVS	TVS	
		Sulfide	---	0.002	Uranium	---	---	
					Zinc	TVS	TVS	
13e. Mainstem of Sage Creek, including all tributaries and wetlands, from its sources to the confluence with the Yampa River.								
COUCYA13E	Classifications	Physical and Biological			Metals (ug/L)			
Designation	Agriculture		DM	MWAT		acute	chronic	
UP	Aq Life Warm 2	Temperature °C	WS-II	WS-II	Aluminum	---	---	
	Recreation N		acute	chronic	Arsenic	340	100(T)	
Qualifiers:		D.O. (mg/L)	---	5.0	Beryllium	---	---	
Other:		pH	6.5 - 9.0	---	Cadmium	TVS	TVS	
Temporary Modification(s):		chlorophyll a (mg/m2)	---	---	Chromium III	TVS	TVS	
Selenium(chronic) = current conditions		E. Coli (per 100 mL)	---	630	Chromium III	---	100(T)	
Expiration Date of 12/31/2018		Inorganic (mg/L)			Chromium VI	TVS	TVS	
*Iron(chronic) = 1,000(T) ug/L on Lower Sage Creek. See section 33.6(4) for iron assessment locations.			acute	chronic	Copper	TVS	TVS	
Iron(chronic) = 1,250(T) ug/L on Upper Sage Creek. Break between Upper and Lower Sage Creek is the west border of Section 18, T5N, R87W. See section 33.6(4) for iron assessment locations.		Ammonia	TVS	TVS	Iron	---	1000(T)	
		Boron	---	0.75	Iron	---	1250(T)*	
		Chloride	---	---	Lead	TVS	TVS	
		Chlorine	0.019	0.011	Manganese	TVS	TVS	
		Cyanide	0.005	---	Mercury	---	0.01(t)	
		Nitrate	100	---	Molybdenum	---	160(T)	
		Nitrite	---	0.05	Nickel	TVS	TVS	
		Phosphorus	---	0.17	Selenium	TVS	TVS	
		Sulfate	---	---	Silver	TVS	TVS	
		Sulfide	---	0.002	Uranium	---	---	
					Zinc	TVS	TVS	

All metals are dissolved unless otherwise noted.
T = total recoverable
t = total
tr = trout
sc = sculpin

D.O. = dissolved oxygen
DM = daily maximum
MWAT = maximum weekly average temperature
See 33.6 for details on TVS, TVS(tr), TVS(sc), WS, temperature standards.

REGULATION #33 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

Yampa River Basin

13g. All tributaries to Fish Creek from the confluence with Cow Camp Creek to the confluence with Trout Creek,						
COUCYA13G	Classifications	Physical and Biological			Metals (ug/L)	
Designation	Agriculture	DM	MWAT	acute	chronic	
Reviewable	Aq Life Warm 1	WS-II	WS-II	Aluminum	---	---
	Recreation E	acute	chronic	Arsenic	340	7.6(T)
Qualifiers:		D.O. (mg/L)	---	5.0	Beryllium	---
Other:		pH	6.5 - 9.0	---	Cadmium	TVS(tr)
Temporary Modification(s):		chlorophyll a (mg/m2)	---	150	Chromium III	TVS
Selenium(chronic) = current conditions		E. Coli (per 100 mL)	---	126	Chromium VI	TVS
Expiration Date of 12/31/2018		Inorganic (mg/L)		Copper	TVS	TVS
		acute	chronic	Iron	---	1000(T)
		Ammonia	TVS	TVS	Lead	TVS
		Boron	---	0.75	Manganese	TVS
		Chloride	---	---	Mercury	---
		Chlorine	0.019	0.011	Molybdenum	---
		Cyanide	0.005	---	Nickel	TVS
		Nitrate	100	---	Selenium	TVS
		Nitrite	---	0.05	Silver	TVS(tr)
		Phosphorus	---	0.17	Uranium	---
		Sulfate	---	---	Zinc	TVS
		Sulfide	---	0.002		

13i. Mainstem of Grassy Creek, including all tributaries and wetlands, from the source to immediately above the confluence with Scotchmans Gulch.						
COUCYA13I	Classifications	Physical and Biological			Metals (ug/L)	
Designation	Agriculture	DM	MWAT	acute	chronic	
UP	Aq Life Warm 2	WS-II	WS-II	Aluminum	---	---
	Recreation N	acute	chronic	Arsenic	340	100(T)
Qualifiers:		D.O. (mg/L)	---	5.0	Beryllium	---
Other:		pH	6.5 - 9.0	---	Cadmium	TVS
Temporary Modification(s):		chlorophyll a (mg/m2)	---	---	Chromium III	TVS
Iron(chronic) = current conditions*		E. Coli (per 100 mL)	---	630	Chromium VI	TVS
Selenium(chronic) = current conditions		Inorganic (mg/L)		Copper	TVS	TVS
Expiration Date of 12/31/2018		acute	chronic	Iron	---	1000(T)*
*Iron(chronic) = See section 33.6(4) for iron assessment locations.		Ammonia	TVS	TVS	Lead	TVS
*TempMod: Iron = for Grassy Creek.		Boron	---	0.75	Manganese	TVS
		Chloride	---	---	Mercury	---
		Chlorine	0.019	0.011	Molybdenum	---
		Cyanide	0.005	---	Nickel	TVS
		Nitrate	100	---	Selenium	TVS
		Nitrite	---	0.05	Silver	TVS
		Phosphorus	---	0.17	Uranium	---
		Sulfate	---	---	Zinc	TVS
		Sulfide	---	0.002		

All metals are dissolved unless otherwise noted.
T = total recoverable
t = total
tr = trout
sc = sculpin

D.O. = dissolved oxygen
DM = daily maximum
MWAT = maximum weekly average temperature
See 33.6 for details on TVS, TVS(tr), TVS(sc), WS, temperature standards.

EXHIBIT 3
WATER QUALITY CONTROL DIVISION

COLORADO DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT
WATER QUALITY CONTROL COMMISSION

5 CCR 1002-36

REGULATION NO. 36
CLASSIFICATIONS AND NUMERIC STANDARDS
FOR
RIO GRANDE BASIN

....

36.41 STATEMENT OF BASIS, SPECIFIC STATUTORY AUTHORITY AND PURPOSE; DECEMBER 11, 2017 RULEMAKING; FINAL ACTION JANUARY 8, 2018; EFFECTIVE DATE JUNE 30, 2018

The provisions of C.R.S. 25-8-202(1)(a), (b) and (2); 25-8-203; 25-8-204; and 25-8-402; provide the specific statutory authority for adoption of these regulatory amendments. The commission also adopted in compliance with 24-4-103(4) C.R.S. the following statement of basis and purpose.

BASIS AND PURPOSE

Pursuant to the requirements in the Basic Standards (at 31.7(3)), the commission reviewed the status of temporary modifications scheduled to expire before December 31, 2019 to determine whether the temporary modification should be modified, eliminated, or extended.

No action: The commission took no action on the temporary modifications on the following segments:

Rio Grande Segments 4a and 7: temporary modifications of the standards on Rio Grande Segment 4a (cadmium, lead, zinc, and ammonia) and Segment 7 (cadmium, copper, lead, silver, zinc, ammonia); expire 12/31/2018. Both the Town of Creede and Rio Grande Silver presented evidence that they are making progress on the plan for eliminating the need for need for the temporary modifications. The commission took no action on the temporary modifications on these two segments as the original time allotment was deemed adequate to resolve the uncertainty.

**COLORADO DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT
WATER QUALITY CONTROL COMMISSION**

5 CCR 1002-36

**REGULATION NO. 36
CLASSIFICATIONS AND NUMERIC STANDARDS
FOR
RIO GRANDE BASIN**

**APPENDIX 36-1
Stream Classifications and Water Quality Standards Tables**

Effective 06/30/~~2017~~2018

REGULATION #36 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

4a. Mainstem of the Rio Grande from a point immediately above the confluence with Willow Creek to a point immediately above the confluence with the South Fork Rio Grande.							
CORGRG04A		Classifications		Physical and Biological		Metals (ug/L)	
Designation	Agriculture		DM	MWAT		acute	chronic
Reviewable	Aq Life Cold 1	Temperature °C	CS-II	CS-II	Aluminum	---	---
	Recreation E		acute	chronic	Arsenic	340	0.02(T)
	Water Supply	D.O. (mg/L)	---	6.0	Beryllium	---	---
		D.O. (spawning)	---	7.0	Cadmium	varies*	varies*
Qualifiers:		pH	6.5 - 9.0	---	Chromium III	50(T)	TVS
Other: Temporary Modification(s): Ammonia(ac/ch) = current conditions Cadmium(chronic) = current condition Lead(chronic) = current condition Zinc(chronic) = current condition Expiration Date of 12/31/2018 Arsenic(chronic) = hybrid Expiration Date of 12/31/2021 *Cadmium(acute) = See 36.6(4) for site-specific standards and assessment locations. *Cadmium(chronic) = See 36.6(4) for site-specific standards and assessment locations. *Lead(chronic) = See 36.6(4) for site-specific standards and assessment locations. *Manganese(chronic) = See 36.6(4) for site-specific standards and assessment locations. *Zinc(acute) = See 36.6(4) for site-specific standards and assessment locations. *Zinc(chronic) = See 36.6(4) for site-specific standards and assessment locations.		chlorophyll a (mg/m2)	---	---	Chromium VI	TVS	TVS
		E. Coli (per 100 mL)	---	126	Copper	TVS	TVS
					Iron	---	WS
		Inorganic (mg/L)			Iron	---	1000(T)
			acute	chronic	Lead	TVS	varies*
		Ammonia	TVS	TVS	Manganese	TVS	varies*
		Boron	---	0.75	Mercury	---	0.01(T)
		Chloride	---	250	Molybdenum	---	160(T)
		Chlorine	0.019	0.011	Nickel	TVS	TVS
		Cyanide	0.005	---	Selenium	TVS	TVS
		Nitrate	10	---	Silver	TVS	TVS(tr)
		Nitrite	---	0.05	Uranium	---	---
		Phosphorus	---	---	Zinc	varies*	varies*
		Sulfate	---	WS			
		Sulfide	---	0.002			

All metals are dissolved unless otherwise noted.
T = total recoverable
t = total
tr = trout

D.O. = dissolved oxygen
DM = daily maximum
MWAT = maximum weekly average temperature
See 36.6 for details on TVS, TVS(tr), WS, temperature standards.

REGULATION #36 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

Rio Grande River Basin

7. Mainstem of West Willow Creek from the Park Regent Mine dump to the confluence with East Willow Creek. Mainstem of Willow Creek, including all tributaries from the confluence of East and West Willow Creeks, to the confluence with the Rio Grande.

CORGRG07	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture	DM		MWAT	acute		chronic
UP	Aq Life Cold 2	Temperature °C	CS-II	CS-II	Aluminum	---	---
	Recreation E	acute	chronic		Arsenic	340	100(T)
Qualifiers:		D.O. (mg/L)	---	6.0	Beryllium	---	---
Other:		D.O. (spawning)	---	7.0	Cadmium	varies*	varies*
Temporary Modification(s):		pH	6.5 - 9.0	---	Chromium III	TVS	TVS
Ammonia(ac/ch) = current conditions*		chlorophyll a (mg/m2)	---	150*	Chromium III	---	100(T)
Cadmium(ac/ch) = varies*		E. Coli (per 100 mL)	---	126	Chromium VI	TVS	TVS
Copper(ac/ch) = varies*					Copper	varies*	varies*
Lead(ac/ch) = varies*		Inorganic (mg/L)			Iron	---	1000(T)
Silver(acute) = varies*		acute	chronic		Lead	varies*	varies*
Zinc(ac/ch) = varies*		Ammonia	TVS	TVS	Manganese	varies*	varies*
Expiration Date of 12/31/2018		Boron	---	0.75	Mercury	---	0.01(T)
*chlorophyll a (mg/m2)(chronic) = applies only above the facilities listed at 36.5(4).		Chloride	---	---	Molybdenum	---	160(T)
*Phosphorus(chronic) = applies only above the facilities listed at 36.5(4).		Chlorine	---	0.011	Nickel	TVS	TVS
*Cadmium(acute) = See 36.6(4) for temporary modifications, site-specific standards and assessment locations.		Cyanide	0.005	---	Selenium	TVS	TVS
Cadmium(chronic) = See 36.6(4) for temporary modifications, site-specific standards and assessment locations.		Nitrate	100	---	Silver	varies	TVS
*Copper(acute) = See 36.6(4) for temporary modifications, site-specific standards and assessment locations.		Nitrite	---	10	Uranium	---	---
Copper(chronic) = See 36.6(4) for temporary modifications, site-specific standards and assessment locations.		Phosphorus	---	0.11	Zinc	varies*	varies*
*Lead(acute) = See 36.6(4) for temporary modifications, site-specific standards and assessment locations.		Sulfate	---	---			
*Lead(chronic) = See 36.6(4) for temporary modifications, site-specific standards and assessment locations.		Sulfide	---	0.002			
*Manganese(acute) = See 36.6(4) for site-specific standards and assessment locations.							
*Manganese(chronic) = See 36.6(4) for site-specific standards and assessment locations.							
*Silver(acute) = See 36.6(4) for temporary modifications, site-specific standards and assessment locations.							
*Zinc(acute) = See 36.6(4) for temporary modifications, site-specific standards and assessment locations.							
*Zinc(chronic) = See 36.6(4) for temporary modifications, site-specific standards and assessment locations.							
*TempMod: Ammonia = Willow below Creede WWTF.							
*TempMod: Cadmium = See 36.6(4) for temporary modifications and assessment locations.							
*TempMod: Copper = See 36.6(4) for temporary modifications and assessment locations.							
*TempMod: Lead = See 36.6(4) for temporary modifications and assessment locations.							
*TempMod: Silver = See 36.6(4) for temporary modifications and assessment locations.							
*TempMod: Zinc = See 36.6(4) for temporary modifications and assessment locations.							

All metals are dissolved unless otherwise noted.
T = total recoverable
t = total
tr = trout

D.O. = dissolved oxygen
DM = daily maximum
MWAT = maximum weekly average temperature
See 36.6 for details on TVS, TVS(tr), WS, temperature standards.

EXHIBIT 4
WATER QUALITY CONTROL DIVISION

COLORADO DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT
WATER QUALITY CONTROL COMMISSION

5 CCR 1002-37

REGULATION NO. 37
CLASSIFICATIONS AND NUMERIC STANDARDS
FOR
LOWER COLORADO RIVER BASIN

....

37.38 STATEMENT OF BASIS, SPECIFIC STATUTORY AUTHORITY AND PURPOSE; DECEMBER 11, 2017 RULEMAKING; FINAL ACTION JANUARY 8, 2018; EFFECTIVE DATE JUNE 30, 2018

The provisions of C.R.S. 25-8-202(1)(a), (b) and (2); 25-8-203; 25-8-204; and 25-8-402; provide the specific statutory authority for adoption of these regulatory amendments. The Commission also adopted in compliance with 24-4-103(4) C.R.S. the following statement of basis and purpose.

BASIS AND PURPOSE

Pursuant to the requirements in the Basic Standards (at 31.7(3)), the commission reviewed the status of temporary modifications scheduled to expire before December 31, 2019 to determine whether the temporary modification should be modified, eliminated, or extended.

No action: The commission took no action on the temporary modifications on the following segments:

Lower Colorado Segment 4e: temporary modifications of the copper (expires 12/31/2019) and iron (expires 12/31/2018) standards. Tri-State Power and Generation presented evidence that it is making progress on the plan for eliminating the need for the temporary modifications. The commission took no action on the temporary modifications on this segment as the original time allotment was deemed adequate to resolve the uncertainty.

**COLORADO DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT
WATER QUALITY CONTROL COMMISSION**

5 CCR 1002-37

**REGULATION NO. 37
CLASSIFICATIONS AND NUMERIC STANDARDS
FOR
LOWER COLORADO RIVER BASIN**

**APPENDIX 37-1
Stream Classifications and Water Quality Standards Tables**

Effective 06/30/~~2017~~2018

REGULATION #37 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

Lower Colorado River

4e. Mainstem of Dry Creek including all tributaries and wetlands from the source to immediately above the Last Chance Ditch.						
COLCLC04E	Classifications	Physical and Biological			Metals (ug/L)	
Designation			DM	MWAT	acute	chronic
UP	Agriculture					
	Aq Life Cold 2	Temperature °C	CS-II	CS-II	Aluminum	---
	Recreation N		acute	chronic	Arsenic	340
Qualifiers:		D.O. (mg/L)	---	5.0	Beryllium	---
Other:		pH	6.5 - 9.0	---	Cadmium	TVS
Temporary Modification(s):		chlorophyll a (mg/m2)	---	---	Chromium III	TVS
Copper(ac/ch) = current conditions		E. Coli (per 100 mL)	---	630	Chromium III	---
Expiration Date of 12/31/2019		Inorganic (mg/L)			Chromium VI	TVS
Iron(chronic) = current conditions			acute	chronic	Copper	TVS
Expiration Date of 12/31/2018		Ammonia	TVS	TVS	Iron	---
*Phosphorus(chronic) = applies only above the facilities listed at 37.5(4).		Boron	---	0.75	Lead	TVS
		Chloride	---	---	Manganese	TVS
		Chlorine	0.019	0.011	Mercury	---
		Cyanide	0.005	---	Molybdenum	---
		Nitrate	100	---	Nickel	TVS
		Nitrite	---	0.05	Selenium	TVS
		Phosphorus	---	0.11*	Silver	TVS
		Sulfate	---	---	Uranium	---
		Sulfide	---	0.002	Zinc	TVS

All metals are dissolved unless otherwise noted.
T = total recoverable
t = total
tr = trout
sc = sculpin

D.O. = dissolved oxygen
DM = daily maximum
MWAT = maximum weekly average temperature
See 37.6 for details on TVS, TVS(tr), TVS(sc), WS, temperature standards.

EXHIBIT 5
WATER QUALITY CONTROL DIVISION

COLORADO DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT
WATER QUALITY CONTROL COMMISSION

5 CCR 1002-38

REGULATION NO. 38
CLASSIFICATIONS AND NUMERIC STANDARDS
FOR
SOUTH PLATTE RIVER BASIN, LARAMIE RIVER BASIN,
REPUBLICAN RIVER BASIN, SMOKY HILL RIVER BASIN

....

38.97 STATEMENT OF BASIS, SPECIFIC STATUTORY AUTHORITY AND PURPOSE; DECEMBER 11, 2017 RULEMAKING; FINAL ACTION JANUARY 8, 2018; EFFECTIVE DATE JUNE 30, 2018

The provisions of C.R.S. 25-8-202(1)(a), (b) and (2); 25-8-203; 25-8-204; and 25-8-402; provide the specific statutory authority for adoption of these regulatory amendments. The commission also adopted in compliance with 24-4-103(4) C.R.S. the following statement of basis and purpose.

BASIS AND PURPOSE

Pursuant to the requirements in the Basic Standards (at 31.7(3)), the commission reviewed the status of temporary modifications scheduled to expire before December 31, 2019 to determine whether the temporary modification should be modified, eliminated, or extended.

No action: The commission took no action on the temporary modifications on the following segments:

Upper South Platte Segment 3: temporary modification of the ammonia standard below the Florissant Wastewater Treatment Facility (expires 12/31/2017). The Town of Florissant obtained funding to upgrade its facility and a progress report indicated the facility is on track to comply with ammonia effluent limits. The commission took no action on this temporary modification and it was deleted from the table because it expires 12/31/2017.

Upper South Platte Segment 10a: temporary modifications of the copper (expires 12/31/2018; applies below the Plum Creek Water Reclamation Authority) and manganese (expires 6/30/2019) standards. Plum Creek Water Reclamation Authority continues to make progress on resolving the uncertainty underlying both temporary modifications. The commission made no change to the expiration date as the original time allotment was deemed adequate to resolve the uncertainty.

Clear Creek Segments 11, 14a, 14b, and 15: temporary modification of the temperature standard (expires 6/30/2019). Miller Coors continues to make progress on resolving the uncertainty. The commission made no change to the expiration date as the original time allotment was deemed adequate to resolve the uncertainty.

Clear Creek Segment 13b: temporary modification of the cadmium standard (expires 12/31/2018). Black Hawk and Central City Sanitation District continues to make progress on resolving the uncertainty. The commission made no change to the expiration date as the original time allotment was deemed adequate to resolve the uncertainty.

New temporary modifications of the arsenic standard:

Consistent with the actions taken in 2013, the commission adopted a temporary modification of the arsenic standard on segments on the following list, with an expiration date of 12/31/2021. At the April 8, 2013 rulemaking, the commission heard testimony that concurred with the finding from a December 13, 2011 rulemaking hearing that an initial reasonable lower limit of treatment technology for arsenic is 3.0 µg/L, pending further investigation by the division, dischargers and stakeholders. The temporary modification was established by the commission to allow for a temporarily less stringent application of the chronic arsenic standard in control requirements for both existing discharges and new or increased discharges.

Cherry Creek Segment 3
Boulder Creek Segment 7b

**COLORADO DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT
WATER QUALITY CONTROL COMMISSION**

5 CCR 1002-38

**REGULATION NO. 38
CLASSIFICATIONS AND NUMERIC STANDARDS
FOR
SOUTH PLATTE RIVER BASIN, LARAMIE RIVER BASIN
REPUBLICAN RIVER BASIN, SMOKY HILL RIVER BASIN**

**APPENDIX 38-1
Stream Classifications and Water Quality Standards Tables**

Effective 06/30/~~2017~~2018

REGULATION #38 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

Upper South Platte River Basin

3. All tributaries to the South Platte River, including all wetlands from a point immediately below the confluence with Tarryall Creek to a point immediately above the confluence with the North Fork of the South Platte River, except for specific listings in Segment 1b.

COSPUS03	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture		DM	MWAT		acute	chronic
Reviewable	Aq Life Cold 1	Temperature °C	CS-I	CS-I	Aluminum	---	---
	Recreation E		acute	chronic	Arsenic	340	0.02(T)
	Water Supply	D.O. (mg/L)	---	6.0	Beryllium	---	---
Qualifiers:		D.O. (spawning)	---	7.0	Cadmium	TVS(tr)	TVS
Other:		pH	6.5 - 9.0	---	Cadmium	5.0(T)	---
Temporary Modification(s):		chlorophyll a (mg/m2)	---	150*	Chromium III	50(T)	TVS
Ammonia(ac/ch) = current condition*		E. Coli (per 100 mL)	---	126	Chromium VI	TVS	TVS
Expiration Date of 12/31/2017					Copper	TVS	TVS
Arsenic(chronic) = hybrid		Inorganic (mg/L)			Iron	---	WS
Expiration Date of 12/31/2021			acute	chronic	Iron	---	1000(T)
*chlorophyll a (mg/m2)(chronic) = applies only above the facilities listed at 38.5(4).		Ammonia	TVS	TVS	Lead	TVS	TVS
*Phosphorus(chronic) = applies only above the facilities listed at 38.5(4).		Boron	---	0.75	Lead	50(T)	---
*TempMod: Ammonia = below the Florissant Wastewater Treatment Facility outfall.		Chloride	---	250	Manganese	TVS	TVS
		Chlorine	0.019	0.011	Manganese	---	WS
		Cyanide	0.005	---	Mercury	---	0.01(t)
		Nitrate	10	---	Molybdenum	---	150(T)
		Nitrite	---	0.05	Nickel	TVS	TVS
		Phosphorus	---	0.11*	Nickel	---	100(T)
		Sulfate	---	WS	Selenium	TVS	TVS
		Sulfide	---	0.002	Silver	TVS	TVS(tr)
					Uranium	---	---
					Zinc	TVS	TVS

10a. Mainstems of East Plum Creek, West Plum Creek, and Plum Creek from the boundary of National Forest lands to Chatfield Reservoir, mainstems of Stark Creek and Gove Creek from the boundary of National Forest lands to their confluence.

COSPUS10A	Classifications	Physical and Biological			Metals (ug/L)			
Designation	Agriculture	DM	MWAT	acute		chronic		
Reviewable	Aq Life Warm 1	Temperature °C	WS-I	WS-I	Aluminum	---	---	
	Recreation E	acute	chronic	Arsenic	340	0.02(T)		
	Water Supply	D.O. (mg/L)	---	5.0	Beryllium	---	---	
Qualifiers:		pH	6.5 - 9.0	---	Cadmium	TVS	TVS	
Other: Temporary Modification(s): Arsenic(chronic) = hybrid Expiration Date of 12/31/2021 Copper(ac/ch) = current condition* Expiration Date of 12/31/2018 Manganese(chronic) = current condition* Expiration Date of 6/30/2019 temperature(DM/MWAT) = current condition* 12/1 - 2/29 Expiration Date of 12/31/2020 *chlorophyll a (mg/m2)(chronic) = applies only above the facilities listed at 38.5(4). *Phosphorus(chronic) = applies only above the facilities listed at 38.5(4). *TempMod: Copper = East Plum Creek and Plum Creek below the PCWRA discharge. *TempMod: Manganese = applies to the manganese WS standard. *TempMod: temperature(12/1 - 2/29) = East Plum Creek and Plum Creek below the PCWRA discharge.		chlorophyll a (mg/m2)	---	150*	Cadmium	5.0(T)	---	
		E. Coli (per 100 mL)	---	126	Chromium III	50(T)	TVS	
		Inorganic (mg/L)			Chromium VI	TVS	TVS	
		acute			chronic	Copper	TVS	TVS
		Ammonia	TVS	TVS	Iron	---	WS	
		Boron	---	0.75	Iron	---	1000(T)	
		Chloride	---	250	Lead	TVS	TVS	
		Chlorine	0.019	0.011	Lead	50(T)	---	
		Cyanide	0.005	---	Manganese	TVS	TVS	
		Nitrate	10	---	Manganese	---	WS	
		Nitrite	---	0.5	Mercury	---	0.01(t)	
		Phosphorus	---	0.17*	Molybdenum	---	150(T)	
		Sulfate	---	WS	Nickel	TVS	TVS	
		Sulfide	---	0.002	Nickel	---	100(T)	
		Selenium	TVS	TVS				
		Silver	TVS	TVS				
		Uranium	---	---				
		Zinc	TVS	TVS				

All metals are dissolved unless otherwise noted.
T = total recoverable
t = total
tr = trout

D.O. = dissolved oxygen
DM = daily maximum
MWAT = maximum weekly average temperature
See 38.6 for details on TVS, TVS(tr), WS, temperature standards.

REGULATION #38 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

Cherry Creek Basin

3. Mainstem of Cherry Creek from the outlet of Cherry Creek Reservoir to the confluence with the South Platte River.							
COSPCH03	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture	DM	MWAT		acute	chronic	
Reviewable	Aq Life Warm 2	Temperature °C	WS-II	WS-II	Aluminum	---	---
	Recreation E	acute	chronic		Arsenic	340	0.02-10(T) ^A
	Water Supply	D.O. (mg/L)	---	5.0	Beryllium	---	---
Qualifiers:		pH	6.5 - 9.0	---	Cadmium	TVS	TVS
Other: <u>Temporary Modification(s):</u> <u>Arsenic(chronic) = hybrid</u> <u>Expiration Date of 12/31/2021</u>		chlorophyll a (mg/m2)	---	---	Cadmium	5.0(T)	---
		E. Coli (per 100 mL)	---	126	Chromium III	50(T)	TVS
		Inorganic (mg/L)			Chromium VI	TVS	TVS
			acute	chronic	Copper	TVS	TVS
		Ammonia	TVS	TVS	Iron	---	WS
		Boron	---	0.75	Iron	---	1000(T)
		Chloride	---	250	Lead	TVS	TVS
		Chlorine	0.019	0.011	Lead	50(T)	---
		Cyanide	0.005	---	Manganese	TVS	TVS
		Nitrate	10	---	Manganese	---	WS
		Nitrite	---	0.5	Mercury	---	0.01(t)
		Phosphorus	---	---	Molybdenum	---	150(T)
		Sulfate	---	WS	Nickel	TVS	TVS
		Sulfide	---	0.002	Nickel	---	100(T)
					Selenium	TVS	TVS
					Silver	TVS	TVS
					Uranium	---	---
					Zinc	TVS	TVS

All metals are dissolved unless otherwise noted.
T = total recoverable
t = total
tr = trout

D.O. = dissolved oxygen
DM = daily maximum
MWAT = maximum weekly average temperature
See 38.6 for details on TVS, TVS(tr), WS, temperature standards.

REGULATION #38 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

Clear Creek Basin

11. Mainstem of Clear Creek from a point just above the Argo Tunnel discharge to the Farmers Highline Canal diversion in Golden, Colorado.						
COSPCL11	Classifications	Physical and Biological		Metals (ug/L)		
Designation	Agriculture	DM	MWAT	acute	chronic	
UP	Aq Life Cold 1	Temperature °C	CS-I	CS-I	Aluminum	---
	Recreation E	acute	chronic	Arsenic	340	0.02(T)
	Water Supply	D.O. (mg/L)	---	6.0	Beryllium	---
Qualifiers:		D.O. (spawning)	---	7.0	Cadmium	TVS(tr)
Other:		pH	6.5 - 9.0	---	Cadmium	5.0(T)
Temporary Modification(s):		chlorophyll a (mg/m2)	---	---	Chromium III	50(T)
Arsenic(chronic) = hybrid		E. Coli (per 100 mL)	---	126	Chromium VI	TVS
Expiration Date of 12/31/2021					Copper	---
temperature(DM/MWAT) = current condition*		Inorganic (mg/L)			Iron	---
Expiration Date of 6/30/2019		acute	chronic	Iron	---	1000(T)
*Zinc(acute) = 0.978e^(0.8537[ln(hardness)]+1.9467)		Ammonia	TVS	TVS	Lead	TVS
*Zinc(chronic) = 0.986e^(0.8537[ln(hardness)]+1.8032)		Boron	---	0.75	Lead	50(T)
*TempMod: temperature = from a point just downstream of the US 6 Bridge to the Farmers Highline Canal diversion in Golden, Colorado.		Chloride	---	250	Manganese	TVS
		Chlorine	0.019	0.011	Manganese	---
		Cyanide	0.005	---	Mercury	---
		Nitrate	10	---	Molybdenum	---
		Nitrite	---	0.05	Nickel	TVS
		Phosphorus	---	---	Nickel	---
		Sulfate	---	WS	Selenium	TVS
		Sulfide	---	0.002	Silver	TVS
					Uranium	---
					Zinc	---
					Zinc	SSE*

13b. Mainstem of North Clear Creek including all tributaries and wetlands from a point just below the confluence with Chase Gulch to the confluence with Clear Creek, except for the specific listings in Segment 13a.

COSPCL13B	Classifications	Physical and Biological		Metals (ug/L)		
Designation	Agriculture	DM	MWAT	acute	chronic	
UP	Aq Life Cold 2	Temperature °C	CS-I	CS-I	Aluminum	---
	Recreation E	acute	chronic	Arsenic	340	100(T)
Qualifiers:		D.O. (mg/L)	---	6.0	Beryllium	---
Other:		D.O. (spawning)	---	7.0	Cadmium	TVS(tr)
Temporary Modification(s):		pH	6.5 - 9.0	---	Chromium III	TVS
Cadmium(chronic) = 4.7		chlorophyll a (mg/m2)	---	150*	Chromium III	---
Expiration Date of 12/31/2018		E. Coli (per 100 mL)	---	126	Chromium VI	TVS
temperature(DM/MWAT) = current condition					Copper	---
Expiration Date of 12/31/2020		Inorganic (mg/L)			Iron	---
*chlorophyll a (mg/m2)(chronic) = applies only above the facilities listed at 38.5(4).		acute	chronic	Lead	TVS	TVS
*Phosphorus(chronic) = applies only above the facilities listed at 38.5(4).		Ammonia	TVS	TVS	Manganese	TVS
		Boron	---	0.75	Mercury	---
		Chloride	---	---	Molybdenum	---
		Chlorine	0.019	0.011	Nickel	TVS
		Cyanide	0.005	---	Selenium	TVS
		Nitrate	100	---	Silver	TVS
		Nitrite	---	0.05	Uranium	---
		Phosphorus	---	0.11*	Zinc	---
		Sulfate	---	---		740
		Sulfide	---	0.002		

All metals are dissolved unless otherwise noted.
T = total recoverable
t = total
tr = trout

D.O. = dissolved oxygen
DM = daily maximum
MWAT = maximum weekly average temperature
See 38.6 for details on TVS, TVS(tr), WS, temperature standards.

REGULATION #38 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

Clear Creek Basin

14a. Mainstem of Clear Creek from the Farmers Highline Canal diversion in Golden, Colorado to the Denver Water conduit #16 crossing.							
COSPCL14A	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture	DM	MWAT	acute	chronic		
UP	Aq Life Warm 2	Temperature °C	WS-II	WS-II	Aluminum	---	
	Recreation N	acute	chronic	Arsenic	340	0.02-10(T)	
	Water Supply	D.O. (mg/L)	---	5.0	Beryllium	---	
Qualifiers:		pH	6.5 - 9.0	---	Cadmium	TVS	
Other: Temporary Modification(s): Arsenic(chronic) = hybrid Expiration Date of 12/31/2021 temperature(DM/MWAT) = current condition Expiration Date of 6/30/2019 *Zinc(acute) = TVS x (times) the FWER (final water effect ratio). Expiration date of 12/31/20. *Zinc(chronic) = TVS x (times) the FWER (final water effect ratio). Expiration date of 12/31/20.		chlorophyll a (mg/m2)	---	---	Cadmium	5.0(T)	
		E. Coli (per 100 mL)	---	630	Chromium III	50(T)	TVS
		Inorganic (mg/L)		Chromium VI	TVS	TVS	
		acute	chronic	Copper	TVS	TVS	
		Ammonia	TVS	TVS	Iron	---	WS
		Boron	---	0.75	Iron	---	1000(T)
		Chloride	---	250	Lead	TVS	TVS
		Chlorine	0.019	0.011	Lead	50(T)	---
		Cyanide	0.005	---	Manganese	TVS	244
		Nitrate	10	---	Mercury	---	0.01(t)
		Nitrite	---	0.5	Molybdenum	---	150(T)
		Phosphorus	---	---	Nickel	TVS	TVS
		Sulfate	---	WS	Nickel	---	100(T)
		Sulfide	---	0.002	Selenium	TVS	TVS
					Silver	TVS	TVS
					Uranium	---	---
					Zinc	TVSx1.57*	TVSx1.57*

14b. Mainstem of Clear Creek from the Denver Water conduit #16 crossing to a point just below Youngfield Street in Wheat Ridge, Colorado.							
COSPCL14B	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture	DM	MWAT	acute	chronic		
UP	Aq Life Warm 2	Temperature °C	WS-II	WS-II	Aluminum	---	
	Recreation E	acute	chronic	Arsenic	340	0.02(T)	
	Water Supply	D.O. (mg/L)	---	5.0	Beryllium	---	
Qualifiers:		pH	6.5 - 9.0	---	Cadmium	TVS	
Water + Fish Standards		chlorophyll a (mg/m2)	---	---	Cadmium	5.0(T)	
Other: Temporary Modification(s): temperature(DM/MWAT) = current condition Expiration Date of 6/30/2019 *Zinc(acute) = TVS x (times) the FWER (final water effect ratio). Expiration date of 12/31/20. *Zinc(chronic) = TVS x (times) the FWER (final water effect ratio). Expiration date of 12/31/20.		E. Coli (per 100 mL)	---	126	Chromium III	50(T)	
		Inorganic (mg/L)		Chromium VI	TVS	TVS	
		acute	chronic	Copper	TVS	TVS	
		Ammonia	TVS	TVS	Iron	---	WS
		Boron	---	0.75	Iron	---	1000(T)
		Chloride	---	250	Lead	TVS	TVS
		Chlorine	0.019	0.011	Lead	50(T)	---
		Cyanide	0.005	---	Manganese	TVS	244
		Nitrate	10	---	Mercury	---	0.01(t)
		Nitrite	---	0.5	Molybdenum	---	150(T)
		Phosphorus	---	---	Nickel	TVS	TVS
		Sulfate	---	WS	Nickel	---	100(T)
		Sulfide	---	0.002	Selenium	TVS	TVS
					Silver	TVS	TVS
					Uranium	---	---
					Zinc	TVSx1.57*	TVSx1.57*

14b. Mainstem of Clear Creek from the Denver Water conduit #16 crossing to a point just below Youngfield Street in Wheat Ridge, Colorado.							
COSPCL14B Classifications		Physical and Biological			Metals (ug/L)		
Designation	Agriculture		DM	MWAT		acute	chronic
UP	Aq Life Warm 2	Temperature °C	WS-II	WS-II	Aluminum	---	---
	Recreation E		acute	chronic	Arsenic	340	0.02(T)
	Water Supply	D.O. (mg/L)	---	5.0	Beryllium	---	---
Qualifiers:		pH	6.5 - 9.0	---	Cadmium	TVS	TVS
Water + Fish Standards		chlorophyll a (mg/m2)	---	---	Cadmium	5.0(T)	---
Other:		E. Coli (per 100 mL)	---	126	Chromium III	50(T)	TVS
Temporary Modification(s): temperature(DM/MWAT) = current condition Expiration Date of 6/30/2019 *Zinc(acute) = TVS x (times) the FWER (final water effect ratio). Expiration date of 12/31/20. *Zinc(chronic) = TVS x (times) the FWER (final water effect ratio). Expiration date of 12/31/20.		Inorganic (mg/L)			Chromium VI	TVS	TVS
			acute	chronic	Copper	TVS	TVS
		Ammonia	TVS	TVS	Iron	---	WS
		Boron	---	0.75	Iron	---	1000(T)
		Chloride	---	250	Lead	TVS	TVS
		Chlorine	0.019	0.011	Lead	50(T)	---
		Cyanide	0.005	---	Manganese	TVS	244
		Nitrate	10	---	Mercury	---	0.01(t)
		Nitrite	---	0.5	Molybdenum	---	150(T)
		Phosphorus	---	---	Nickel	TVS	TVS
		Sulfate	---	WS	Nickel	---	100(T)
		Sulfide	---	0.002	Selenium	TVS	TVS
					Silver	TVS	TVS
					Uranium	---	---
					Zinc	TVSx1.57*	TVSx1.57*

All metals are dissolved unless otherwise noted.
T = total recoverable
t = total
tr = trout

D.O. = dissolved oxygen
DM = daily maximum
MWAT = maximum weekly average temperature
See 38.6 for details on TVS, TVS(tr), WS, temperature standards.

REGULATION #38 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

Clear Creek Basin

15. Mainstem of Clear Creek from Youngfield Street in Wheat Ridge, Colorado, to the confluence with the South Platte River.						
COSPCL15	Classifications	Physical and Biological			Metals (ug/L)	
Designation	Agriculture	DM	MWAT	acute	chronic	
Reviewable	Aq Life Warm 1*	Temperature °C	WS-II	WS-II	Aluminum	---
	Recreation E	acute	chronic	Arsenic	340	0.02(T)
	Water Supply	D.O. (mg/L)	---	5.0	Beryllium	---
Qualifiers:		pH	6.5 - 9.0	---	Cadmium	TVS
Other:		chlorophyll a (mg/m2)	---	---	Cadmium	5.0(T)
Temporary Modification(s):		E. Coli (per 100 mL)	---	126	Chromium III	50(T)
Arsenic(chronic) = hybrid		Inorganic (mg/L)			Chromium VI	TVS
Expiration Date of 12/31/2021		acute	chronic	Copper	TVS	TVS
temperature(DM/MWAT) = current condition		Ammonia	TVS	TVS	Iron	---
Expiration Date of 6/30/2019		Boron	---	0.75	Iron	---
*Classification: Aquatic life warm 1 goal qualifier.		Chloride	---	250	Lead	TVS
*Zinc(acute) = TVS x (times) the FWER (final water effect ratio).		Chlorine	0.019	0.011	Lead	50(T)
Expiration date of 12/31/20.		Cyanide	0.005	---	Manganese	TVS
*Zinc(chronic) = TVS x (times) the FWER (final water effect ratio).		Nitrate	10	---	Manganese	---
Expiration date of 12/31/20.		Nitrite	---	0.5	Mercury	---
		Phosphorus	---	---	Molybdenum	---
		Sulfate	---	WS	Nickel	TVS
		Sulfide	---	0.002	Nickel	---
					Selenium	TVS
					Silver	TVS
					Uranium	---
					Zinc	TVSx1.57*

All metals are dissolved unless otherwise noted.
T = total recoverable
t = total
tr = trout

D.O. = dissolved oxygen
DM = daily maximum
MWAT = maximum weekly average temperature
See 38.6 for details on TVS, TVS(tr), WS, temperature standards.

REGULATION #38 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

Boulder Creek Basin

7b. Mainstem of Coal Creek from Highway 36 to the confluence with Boulder Creek.							
COSPBO07B	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture		DM	MWAT	acute	chronic	
Reviewable	Aq Life Warm 2	Temperature °C	WS-II	WS-II	Aluminum	---	---
	Recreation E		acute	chronic	Arsenic	340	0.02-10(T) ^A
	Water Supply	D.O. (mg/L)	---	5.0	Beryllium	---	---
Qualifiers:		pH	6.5 - 9.0	---	Cadmium	TVS	TVS
Other: <u>Temporary Modification(s):</u> <u>Arsenic(chronic) = hybrid</u> <u>Expiration Date of 12/31/2021</u>		chlorophyll a (mg/m2)	---	---	Cadmium	5.0(T)	---
		E. Coli (per 100 mL)	---	126	Chromium III	50(T)	TVS
		Inorganic (mg/L)			Chromium VI	TVS	TVS
			acute	chronic	Copper	TVS	TVS
		Ammonia	TVS	TVS	Iron	---	WS
		Boron	---	0.75	Iron	---	1000(T)
		Chloride	---	250	Lead	TVS	TVS
		Chlorine	0.019	0.011	Lead	50(T)	---
		Cyanide	0.005	---	Manganese	TVS	TVS
		Nitrate	10	---	Manganese	---	WS
		Nitrite	---	0.5	Mercury	---	0.01(t)
		Phosphorus	---	---	Molybdenum	---	150(T)
		Sulfate	---	WS	Nickel	TVS	TVS
		Sulfide	---	0.002	Nickel	---	100(T)
					Selenium	TVS	TVS
					Silver	TVS	TVS
					Uranium	---	---
					Zinc	TVS	TVS

All metals are dissolved unless otherwise noted.
T = total recoverable
t = total
tr = trout

D.O. = dissolved oxygen
DM = daily maximum
MWAT = maximum weekly average temperature
See 38.6 for details on TVS, TVS(tr), WS, temperature standards.

EXHIBIT 6
PEABODY SAGE CREEK MINING COMPANY
AND SENECA COAL COMPANY

DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT

Water Quality Control Commission

**REGULATION NO. 33 - CLASSIFICATIONS AND NUMERIC STANDARDS FOR UPPER COLORADO
RIVER BASIN AND NORTH PLATTE RIVER (PLANNING REGION 12)**

5 CCR 1002-33

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33.6 TABLES

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(4) Assessment Criteria

The following criteria shall be used when assessing whether a specified waterbody is in attainment of the specified standard.

~~(e)(a)~~ Yampa River Segment 13b: Standards and Iron Assessment Thresholds and Locations for Iron and Selenium

Iron Standards:

Middle Creek-

March-June, ~~Fe(ch) = 2090(Tree)~~Iron(chronic)=2090(T), median of all data
July-February, ~~Fe(ch) = 1000 (Tree)~~Iron(chronic)=1000(T)

Foidel Creek: ~~Fe(ch) = 1000(Tree)~~Iron(chronic)=1000(T), median of all data

Iron Assessment Locations:

- Middle Creek Site G-MC-2/Site 29: located at ~~N~~40°-23'-48.3"N, ~~W~~106°-58'47.0"W.
- Foidel Creek Site 14: located at ~~N~~40°-33'-48.6"N, ~~W~~107°-08'-63.5"W.
- Foidel Creek Site 8: located at ~~N~~40°-21'-55.7"N, ~~W~~107°-02'-43.6"W.
- Foidel Creek Site 900: located at ~~N~~40°-23'-24.7"N, ~~W~~106°-59'-40.9"W.

Selenium Standards:

Selenium(chronic)=9.5 mg/kg dry weight whole body. See section 33.6(4)(h) for fish-tissue assessment method.

Selenium Assessment Locations:

- Foidel Creek Site FOC-1, located at 40°21'55.69"N, 107°2'43.57"W.

~~(a)(b)~~ Yampa River Segment 13d, ~~Dry Creek: Iron Standards and~~ Assessment Thresholds and Locations for Iron and Selenium

Iron Standards:

~~Mar-Apr, Fe(ch) = 3040(Trec), snowmelt season median values~~

~~May-Feb, Fe(ch) = 1110(Trec), no snowmelt season median values~~

Dry Creek, Watering Trough Gulch, and 005 Gulch: Iron(chronic)= 1000(T)

Hubberson Gulch

March-June, Iron(chronic)=2750(T)

July-February, Iron(chronic)=1000(T)

Iron Assessment Locations:

- ~~Seneca II-W Stream Site 7 on Hubberson Gulch (WSH7): located in the middle reaches of Hubberson Gulch~~
Dry Creek Site G-DC-2/WSD5, located at 40°25'18.50"N, 107°15'41.80"W.
- Watering Trough Gulch Site G-WTG-2, located at 40°23'32.38"N, 107°16'24.35"W.
- 005 Gulch Site G-05-2, located at 40°24'26.94"N, 107°15'56.67"W.
- Hubberson Gulch Site G-HG-2/WSHF1, located at 40°23'31.50"N, 107°16'20.40"W.
- ~~Seneca II-W Flume Site 1 on Hubberson Gulch (WSHF1): located on Hubberson Gulch just upstream of its confluence with Dry Creek~~

~~Seneca II-W Stream Site 5 on Dry Creek (WSD5): located in the middle reaches of Dry Creek~~
Selenium Standards:

Selenium(chronic)=9.5 mg/kg dry weight whole body. See section 33.6(4)(h) for fish-tissue assessment method.

Selenium Assessment Locations:

- Dry Creek Site G-DC-1, located at 40°23'45.2"N, 107°16'19.5"W.
- Dry Creek Site G-DC-2/WSD5, located at 40°25'18.50"N, 107°15'41.80"W.

~~(b)(c)~~ Yampa River Segment 13e, ~~Sage Creek: Iron Standards and~~ Assessment Thresholds and Locations for Iron and Selenium

Iron Standards:

Upper Sage Creek: Fe(ch)Iron(chronic)=-1250(Trec), median of all data

Lower Sage Creek: Iron(chronic)=1000(T), median of all data

Break between Upper and Lower Sage Creek is the west border of Section 18, T5N, R87W.

Iron Assessment Locations:

- Yeast Stream Site 2 on Sage Creek (YSS2): located upstream of the west border of Section 18, T5N, R87W

Fe(ch) = 1000(Trec), median of all data

Assessment locations:

- Seneca II-W Stream Site 3 on Sage Creek (WSSF3): located downstream of the west border of Section 18, T5N, R87W

Selenium Standards:

Selenium(chronic)=9.5 mg/kg dry weight whole body. See section 33.6(4)(h) for fish-tissue assessment method.

Selenium Assessment Locations:

- Sage Creek Site G-SC-3, located at 40°26'28.8"N, 107°11'58.7"W.

(d) Yampa River Segment 13g: Standards and Assessment Locations for Selenium

Selenium Standards:

Selenium(chronic)=9.5 mg/kg dry weight whole body. See section 33.6(4)(h) for fish-tissue assessment method.

Selenium Assessment Locations:

- Bond Creek Site G-BC-2, located at 40°24'50.6"N, 107°01'58.0"W.
- Cow Camp Creek Site G-CC-2/SSC10, located at 40°23'51.7"N, 107°01'13.3"W.

(e) Yampa River Segment 13h: Standards and Assessment Locations for Selenium

Selenium Standards:

Lower Dry Creek and tributaries other than Temple Gulch:

March-July: Selenium(acute/chronic)=91.3 / 60.0 µg/L

August-February: Selenium(acute/chronic)=TVS / 6.6 µg/L

Temple Gulch:

March-July: Selenium(acute/chronic)=136.5 / 116.2 µg/L

August-February: Selenium(acute/chronic)=TVS / TVS µg/L

Selenium Assessment Locations

- Dry Creek Site G-DC-3/HGSD1, located at 40°27'26.0"N, 107°15'06.6"W.

- Dry Creek Site G-DC-4, located at 40°28'57.9"N, 107°14'21.1"W.
- Temple Gulch Site G-TG-1, located at 40°27'19.0"N, 107°15'45.0"W.

(f) Yampa River Segment 13i: Standards and Assessment Locations for Iron and Selenium

Iron Standards

Grassy Creek:

March-June: Iron(chronic)=1410(T)
July-February: Iron(chronic)=1000(T)

Little Grassy Creek:

March-June: Iron(chronic)=2000(T)
July-February: Iron(chronic)=1000(T)

Iron Assessment Locations

- Grassy Creek Site G-GC-1A/YSG6, located at 40°23'11.09"N, 107°9'13.31"W.
- Little Grassy Creek Site G-LGC-1A/SSLG5, located at 40°24'53.31"N, 107°07'37.96"W.

Selenium Standards:

Selenium(chronic)=9.5 mg/kg dry weight whole body. See section 33.6(4)(h) for fish-tissue assessment method.

Selenium Assessment Locations

- Grassy Creek Site G-GC-2/SSG2, located at 40°26'44.5"N, 107°08'38.4"W.

(g) Yampa River Segment 13j: Standards and Assessment Locations for Selenium

Selenium Standards:

Lower Grassy Creek:

March-July: Selenium(acute/chronic)=TVS / 6.25 µg/L
August-February: Selenium(acute/chronic)=TVS / TVS µg/L

Annand Draw:

March-July: Selenium(acute/chronic)=25.2 / 19.8 µg/L
August-February: Selenium(acute/chronic)=TVS / TVS µg/L

Scotchmans Gulch:

March-July: Selenium(acute/chronic)=65.8 / 40.9 µg/L
August-February: Selenium(acute/chronic)=TVS / TVS µg/L

Selenium Assessment Locations

- Lower Grassy Creek Site G-GC-3/YSG5, located at 40°26'51.7"N, 107°08'42.8"W.
- Lower Grassy Creek Site G-GC-4, located at 40°28'51.2"N, 107°09'04.4"W.

- Annand Draw Site G-AD-1A, located at 40°26'03.0"N, 107°09'23.5"W.
- Annand Draw Site G-AD-1/NPDES10, located at 40°24'35.4"N, 107°10'04.2"W.
- Scotchmans Gulch Site G-SG-1/YSSG1, located at 40°25'56.9"N, 107°10'02.3"W.
- Scotchmans Gulch Site G-SG-1A, located at 40°26'34.80"N, 107°08'43.93"W.

(h) Fish-Tissue Assessment Method and Permit Implementation for Selenium Whole Body Tissue Standards, Yampa River Segments 13b, 13d, 13e, 13g, and 13i.

The implementation of the chronic tissue-based standards will use a combination of water column and fish tissue data, using a water column trigger value of 8.8 µg/L, as follows:

- Compare the 85th percentile of water column concentrations to the trigger value. If the 85th percentile is lower than the trigger value, the standard is attained. If the 85th percentile is higher than the trigger value, proceed to assessment of fish tissue data.
- Compare the mean fish tissue concentrations (whole body) to the standard elements. If the mean fish tissue concentrations exceed the standard, then the standard is impaired.

For implementation in permitting, the following methods shall apply:

- For discharges that have reached a steady state (i.e., discharges of selenium that have existed at comparable flow and concentration more than 6 months), compare downstream mean fish tissue concentrations to the standard. If the mean fish tissue concentrations are significantly below the tissue-based standard, there is no reasonable potential for the discharge to cause or contribute to an exceedance of the fish tissue standard, and no WQBEL is necessary. Monitoring will be required to document continued steady-state conditions in the discharge.
- If the discharge has reasonable potential, effluent limitations will be required. If the 30-day average effluent concentrations exceed the trigger value, the discharger will be required to accelerate downstream fish tissue sampling. If the mean fish tissue concentrations at the first downstream site with fish exceed the standard, then the effluent limitation is exceeded.

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33.60 STATEMENT OF BASIS, SPECIFIC STATUTORY AUTHORITY AND PURPOSE; DECEMBER 11, 2017 RULEMAKING; FINAL ACTION JANUARY 8, 2018; EFFECTIVE DATE JUNE 30, 2018

The provisions of C.R.S. 25-8-202(1)(a), (b) and (2); 25-8-203; 25-8-204; and 25-8-402; provide the specific statutory authority for adoption of these regulatory amendments. The commission also adopted in compliance with 24-4-103(4) C.R.S. the following statement of basis and purpose.

BASIS AND PURPOSE

Yampa River Segments 13b, 13d, 13e, 13g, 13h, 13i, and 13j: temporary modifications of the iron standards (Segments 13d and 13i, expire 12/31/2018) and the selenium standards (Segments 13b, 13d,

13e, 13g, 13i, expire 12/31/2018) were reviewed. The Commission deleted the iron and selenium temporary modifications on these segments, and adopted site-specific iron and selenium standards on these and additional segments of the Yampa River sub-basin based on evidence submitted by Peabody Sage Creek Mining Company and Seneca Coal Company (Peabody).

IRON

Peabody submitted sufficient data and justification to support ambient-based site-specific total recoverable iron standards for Yampa River Segments 13d and 13i. Data indicate that natural or irreversible conditions within the Yampa River Basin watershed are driving instream concentrations of total recoverable iron. The Commission adopted the following seasonal standards based on the 50th percentile of iron data:

Yampa River Segment 13d:

Dry Creek, Watering Trough Gulch, and 005 Gulch: Iron (chronic) = 1000 (T) µg/L

Hubberson Gulch:

March-June: Iron (chronic) = 2750 (T) µg/L

July-February: Iron (chronic) = 1000 (T) µg/L

Yampa River Segment 13i:

Grassy Creek:

March-June: Iron (chronic) = 1410 (T) µg/L

July-February: Iron (chronic) = 1000 (T) µg/L

Little Grassy Creek,

March-June: Iron (chronic) = 2000 (T) µg/L

July-February: Iron (chronic) = 1000 (T) µg/L

Evidence submitted by Peabody demonstrated that ambient iron concentrations were not inhibiting the attainment of the limited aquatic use; the aquatic life use on these segments is limited due to the lack of water and flow throughout much of the drainage. Therefore, based on analysis of the benthic macroinvertebrate community, ambient standards are protective of the highest attainable use in these segments.

The Commission specified assessment locations for the iron standards at section 33.6(4), to ensure that future assessment is consistent with the methods used to derive the standards.

The Commission removed the temporary modifications for iron of “current condition” that had previously been in place for Yampa River Segments 13d and 13i.

SELENIUM

Peabody submitted sufficient data and justification to support selenium site-specific standards for Yampa River Segments 13b, 13d, 13e, 13g, 13h, 13i, and 13j.

The Yampa River sub-basin has limited water throughout many of the drainages, which affects the ability of these streams to support robust aquatic populations or for fish communities to develop and persist from year-to-year. The variability in available flow is one of the determining characteristics for evaluation of the potential for these streams to provide suitable habitat, especially in the upper extent of the segments. Concentrations of selenium in fish (where present) and invertebrate tissues are low in upper reaches, with increasing concentrations in the lower reaches, largely in response to the influx of groundwater with naturally occurring selenium from underlying geology, especially from un-mined tributaries.

In July 2016, the EPA released updated aquatic life ambient water quality criteria for selenium. In addition to the updated chronic water column criteria, the new criteria document included criteria for fish tissue, consisting of egg/ovary and whole body/muscle elements. Due to the bioaccumulative properties of selenium, EPA set the fish tissue criteria to take precedence over the water column criteria, and set the egg/ovary element to take precedence over the whole body/muscle element. In September 2016, EPA released draft support documents to accompany the selenium criteria; the support documents have not yet been finalized.

Peabody evaluated the available final and draft information from the EPA, and based on these documents proposed site-specific selenium standards for multiple Yampa River Segments.

The Commission adopted site-specific chronic selenium standards on segments 13b, 13d, 13e, 13g, and 13i of 9.5 mg/kg dry weight whole body tissue. These standards are based on a targeted recalculation of the EPA 304(a) fish tissue criteria, after removing the most sensitive species in the EPA database, white sturgeon, which is not found in the Colorado basin and is not a surrogate for another species. The Commission did not adopt egg ovary standards on segments 13b, 13d, 13e, 13g, or 13i due to site-specific considerations, namely the small population of fish in these reaches, as well as the often limited number of gravid fish from which to collect egg samples. Additionally, values based on muscle tissue or muscle plugs were not considered as the fish in these segments are too small for a muscle plug to be taken.

Recognizing the practical difficulties of collecting fish tissue data, the implementation of the chronic tissue-based standards will use a combination of water column and fish tissue data, using a trigger value of 8.8 µg/L, as follows:

- Assessment
 - Compare the 85th percentile of water column concentrations to the trigger value. If the 85th percentile is lower than the trigger value, the standard is attained. If the 85th percentile is higher than the trigger value, proceed to assessment of fish tissue data.
 - Compare the mean fish tissue concentrations (whole body) to the standard elements. If the mean fish tissue concentrations exceed the standard, then the standard is impaired.
- Permitting
 - For discharges that have reached a steady state (i.e., discharges of selenium that have existed at comparable flow and concentration more than 6 months), compare downstream mean fish tissue concentrations to the standard. If the mean fish tissue concentrations are significantly below the tissue-based standard, there is no reasonable potential for the discharge to cause or contribute to an exceedance of the fish tissue standard, and no WQBEL is necessary. Monitoring will be required to document continued steady-state conditions in the discharge.
 - If the discharge has reasonable potential, effluent limitations will be required. If the 30-day average effluent concentrations exceed the trigger value, the discharger will be required to accelerate downstream fish tissue sampling. If the mean fish tissue concentrations at the first downstream site with fish exceed the standard, then the effluent limitation is exceeded.

The water column trigger value of 8.8 µg/L was chosen based on re-calculations using Colorado-specific data from the National EPA database. This value is more appropriate than the national lotic criterion or existing table value standard, given that Colorado has specific selenium issues not present in other states.

The Commission adopted site-specific ambient-based selenium standards on segments 13h and 13j. Data indicate that natural or irreversible conditions within the Yampa Basin watershed are driving instream concentrations of selenium. The Commission adopted the following standards:

Yampa River Segment 13h:

Lower Dry Creek and tributaries other than Temple Gulch:

March-July: Selenium (acute/chronic) = 91.3 / 60.0 µg/L

August-February: Selenium (acute/chronic) = TVS / 6.6 µg/L

Temple Gulch:

March-July: Selenium (acute/chronic) = 136.5 / 116.2 µg/L

August-February: Selenium (acute/chronic) = TVS / TVS µg/L

Yampa River Segment 13j:

Lower Grassy Creek:

March-July: Selenium (acute/chronic) = TVS / 6.25 µg/L

August-February: Selenium (acute/chronic) = TVS / TVS µg/L

Annand Draw:

March-July: Selenium (acute/chronic) = 25.2 / 19.8 µg/L

August-February: Selenium (acute/chronic) = TVS / TVS µg/L

Scotchmans Gulch:

March-July: Selenium (acute/chronic) = 65.8 / 40.9 µg/L

August-February: Selenium (acute/chronic) = TVS / TVS µg/L

The Commission specified assessment locations for the selenium standards at section 33.6(4), to ensure that future assessment is consistent with the methods used to derive the standards.

The Commission removed the temporary modifications for selenium of “current condition” that had previously been in place for Yampa River Segments 13b, 13d, 13e, 13g, and 13i. The Commission recognizes that potential changes may be warranted to segment boundaries to fully address selenium issues in the Yampa River Basin.

TYPOGRAPHICAL AND OTHER CORRECTIONS

Finally, the Commission made edits to improve clarity and correct typographical errors in section 33.6(4) and the corresponding tables for Yampa River sub-basin segments, including:

- The assessment criteria for Yampa River segment 13b was moved from 33.6(4)(c) to 33.6(4)(a) to improve clarity in assessing, as multiple additional assessment criteria were added to this subsection 33.6(4). This resulted in shifting the subsections of the existing assessment information for Yampa River segments 13d and 13e.
- Certain abbreviations in subsection 33.6(4) were updated to match formatting changes adopted in January 2016, i.e., Fe was changed to Iron, ch was changed to chronic, Trec was changed to T, months were spelled out instead of abbreviated.
- Certain formatting changes were made in subsection 33.6(4) to improve readability of the section given the addition of information for assessment purposes, including rearranging and adding clarifying information for the iron standards and assessment locations for Yampa River Segment 13e. No substantive changes were made to the iron standards and iron assessment locations for segment 13e.
- The reference to section 33.6(4) for assessment locations for iron in the table for Yampa River Segment 13h was removed, as there is no assessment criteria for iron for this segment.

**COLORADO DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT
WATER QUALITY CONTROL COMMISSION**

5 CCR 1002-33

**REGULATION NO. 33
CLASSIFICATIONS AND NUMERIC STANDARDS
FOR
UPPER COLORADO RIVER BASIN AND
NORTH PLATTE RIVER (PLANNING REGION 12)**

**APPENDIX 33-1
Stream Classifications and Water Quality Standards Tables**

Effective 06/30/~~2017~~2018

REGULATION #33 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS Yampa River Basin

13b. Mainstem of Foidel Creek, including all tributaries and wetlands. Mainstem Fish Creek, including all tributaries from County Road 27 downstream to the confluence with Trout Creek, except for specific listings in Segment 13g. Middle Creek and all tributaries, from County Road 27 downstream to the confluence with Trout Creek.

COUCYA13B		Classifications		Physical and Biological			Metals (ug/L)		
Designation	Agriculture		DM	MWAT		acute	chronic		
Reviewable	Aq Life Warm 1	Temperature °C	WS-II	WS-II	Aluminum	---	---		
	Recreation E		acute	chronic	Arsenic	340	7.6(T)		
Qualifiers:		D.O. (mg/L)	---	6.0	Beryllium	---	---		
Other:		D.O. (spawning)	---	7.0	Cadmium	TVS(tr)	TVS		
Temporary Modification(s):		pH	6.5 - 9.0	---	Chromium III	TVS	TVS		
Selenium(chronic) = current conditions*		chlorophyll a (mg/m ²)	---	150	Chromium III	---	100(T)		
Expiration Date of 12/31/2018		E. Coli (per 100 mL)	---	126	Chromium VI	TVS	TVS		
					Copper	TVS	TVS		
		Inorganic (mg/L)			Iron	---	1000(T)*		
			acute	chronic	Iron	3/1 - 6/30	---	2090(T)*	
		Ammonia	TVS	TVS	Lead	TVS	TVS		
		Boron	---	0.75	Manganese	TVS	TVS		
		Chloride	---	---	Mercury	---	0.01(t)		
		Chlorine	0.019	0.011	Molybdenum	---	160(T)		
		Cyanide	0.005	---	Nickel	TVS	TVS		
		Nitrate	100	---	Selenium	TVS	TVSTissue*		
		Nitrite	---	0.05	Silver	TVS	TVS(tr)		
		Phosphorus	---	0.11	Uranium	---	---		
		Sulfate	---	---	Zinc	TVS	TVS		
		Sulfide	---	0.002					

13c. Mainstem of Trout Creek from the headgate of Spruce Hill Ditch (approximately 2,500 feet north of where County Road 27 crosses Trout Creek) to its confluence with Fish Creek. All tributaries to Trout Creek from the headgate of Spruce Hill Ditch (approximately 2,500 feet north of where County Road 27 crosses Trout Creek) to County Road 179 except for specific listings in 13b.

COUCYA13C	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture			DM	MWAT		
Reviewable	Aq Life Cold 1	Temperature °C	CS-II	CS-II	Aluminum	acute	chronic
	Recreation E		acute	chronic	Arsenic	340	7.6(T)*
	Water Supply 6/1 - 2/29	D.O. (mg/L)	---	6.0	Beryllium	---	---
Qualifiers:		D.O. (spawning)	---	7.0	Cadmium	TVS(tr)	TVS
Other:		pH	6.5 - 9.0	---	Chromium III	TVS*	TVS
Temporary Modification(s):		chlorophyll a (mg/m²)	---	150	Chromium III	---	100(T)
Arsenic(chronic) = hybrid 6/1 - 2/29		E. Coli (per 100 mL)	---	126	Chromium VI	TVS	TVS
Expiration Date of 12/31/2021					Copper	TVS	TVS
		Inorganic (mg/L)			Iron	6/1 - 2/29	WS
*Nitrate(acute) = 10 mg/L from 6/1 - 2/29			acute	chronic	Iron	---	1000(T)
*Arsenic(chronic) = 0.02(T) ug/L from 6/1 - 2/29		Ammonia	TVS	TVS	Lead	TVS	TVS
Chromium III(acute) = 50(T) ug/L from 6/1 - 2/29		Boron	---	0.75	Manganese	TVS	TVS
*Manganese(chronic) = WS from 6/1 - 2/29		Chloride 6/1 - 2/29	---	250	Mercury	---	0.01(t)
		Chlorine	0.019	0.011	Molybdenum	---	160(T)
		Cyanide	0.005	---	Nickel	TVS	TVS
		Nitrate	100*	---	Selenium	TVS	TVS
		Nitrite	---	0.05	Silver	TVS	TVS(tr)
		Phosphorus	---	0.11	Uranium	---	---
		Sulfate 6/1 - 2/29	---	WS	Zinc	TVS	TVS
		Sulfide	---	0.002			

REGULATION #33 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

Yampa River Basin

13d. Mainstem of Dry Creek, including all tributaries and wetlands, from the source to just above the confluence with Temple Gulch.							
COUCYA13D	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture		DM	MWAT		acute	chronic
UP	Aq Life Warm 2	Temperature °C	WS-II	WS-II	Aluminum	---	---
	Recreation E		acute	chronic	Arsenic	340	100(T)
Qualifiers:		D.O. (mg/L)	---	5.0	Beryllium	---	---
Other:		pH	6.5 - 9.0	---	Cadmium	TVS	TVS
Temporary Modification(s):		chlorophyll a (mg/m²)	---	150	Chromium III	TVS	TVS
Iron(chronic) = current condition	3/1 - 4/30	E. Coli (per 100 mL)	---	126	Chromium III	---	100(T)
Expiration Date of 12/31/2018		Inorganic (mg/L)			Chromium VI	TVS	TVS
Selenium(chronic) = current conditions			acute	chronic	Copper	TVS	TVS
Expiration Date of 12/31/2018		Ammonia	TVS	TVS	Iron	57/1 - 2/29	---
		Boron	---	0.75	Iron	3/1 - 46/30	---
		Chloride	---	---	Iron	3/1 - 6/30	---
		Chlorine	0.019	0.011	Lead	TVS	TVS
		Cyanide	0.005	---	Manganese	TVS	TVS
		Nitrate	100	---	Mercury	---	0.01(t)
		Nitrite	---	0.05	Molybdenum	---	160(T)
		Phosphorus	---	0.17	Nickel	TVS	TVS
		Sulfate	---	---	Selenium	TVS	TVSTissue*
		Sulfide	---	0.002	Silver	TVS	TVS
					Uranium	---	---
					Zinc	TVS	TVS
13e. Mainstem of Sage Creek, including all tributaries and wetlands, from its sources to the confluence with the Yampa River.							
COUCYA13E	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture		DM	MWAT		acute	chronic
UP	Aq Life Warm 2	Temperature °C	WS-II	WS-II	Aluminum	---	---
	Recreation N		acute	chronic	Arsenic	340	100(T)
Qualifiers:		D.O. (mg/L)	---	5.0	Beryllium	---	---
Other:		pH	6.5 - 9.0	---	Cadmium	TVS	TVS
Temporary Modification(s):		chlorophyll a (mg/m²)	---	---	Chromium III	TVS	TVS
Selenium(chronic) = current conditions		E. Coli (per 100 mL)	---	630	Chromium III	---	100(T)
Expiration Date of 12/31/2018		Inorganic (mg/L)			Chromium VI	TVS	TVS
			acute	chronic	Copper	TVS	TVS
		Ammonia	TVS	TVS	Iron	---	1000(T)*
		Boron	---	0.75	Iron	---	1250(T)*
		Chloride	---	---	Lead	TVS	TVS
		Chlorine	0.019	0.011	Manganese	TVS	TVS
		Cyanide	0.005	---	Mercury	---	0.01(t)
		Nitrate	100	---	Molybdenum	---	160(T)
		Nitrite	---	0.05	Nickel	TVS	TVS
		Phosphorus	---	0.17	Selenium	TVS	TVSTissue*
		Sulfate	---	---	Silver	TVS	TVS
		Sulfide	---	0.002	Uranium	---	---
					Zinc	TVS	TVS

REGULATION #33 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

Yampa River Basin

13f. Mainstem of Trout Creek, including all tributaries and wetlands, from a point immediately below its confluence with Fish Creek to the confluence with the Yampa River.						
COUCYA13F	Classifications	Physical and Biological		Metals (ug/L)		
Designation	Agriculture	DM	MWAT	acute	chronic	
Reviewable	Aq Life Cold 1	Temperature °C	CS-II	CS-II	Aluminum	---
	Recreation E	acute	chronic	Arsenic	340	0.02(T)
	Water Supply	D.O. (mg/L)	---	6.0	Beryllium	---
Qualifiers:		D.O. (spawning)	---	7.0	Cadmium	TVS(tr)
Other:		pH	6.5 - 9.0	---	Chromium III	50(T)
Temporary Modification(s):		chlorophyll a (mg/m ²)	---	150	Chromium VI	TVS
Arsenic(chronic) = hybrid		E. Coli (per 100 mL)	---	126	Copper	TVS
Expiration Date of 12/31/2021		Inorganic (mg/L)		Iron	---	WS
		acute	chronic	Iron	---	1000(T)
		Ammonia	TVS	TVS	Lead	TVS
		Boron	---	0.75	Manganese	TVS
		Chloride	---	250	Manganese	---
		Chlorine	0.019	0.011	Mercury	---
		Cyanide	0.005	---	Molybdenum	---
		Nitrate	10	---	Nickel	TVS
		Nitrite	---	0.05	Selenium	TVS
		Phosphorus	---	0.11	Silver	TVS
		Sulfate	---	WS	Uranium	---
		Sulfide	---	0.002	Zinc	TVS

13g. All tributaries to Fish Creek from the confluence with Cow Camp Creek to the confluence with Trout Creek,						
COUCYA13G	Classifications	Physical and Biological		Metals (ug/L)		
Designation	Agriculture	DM	MWAT	acute	chronic	
Reviewable	Aq Life Warm 1	Temperature °C	WS-II	WS-II	Aluminum	---
	Recreation E	acute	chronic	Arsenic	340	7.6(T)
Qualifiers:		D.O. (mg/L)	---	5.0	Beryllium	---
Other:		pH	6.5 - 9.0	---	Cadmium	TVS(tr)
Temporary Modification(s):		chlorophyll a (mg/m ²)	---	150	Chromium III	TVS
Selenium(chronic) = current conditions		E. Coli (per 100 mL)	---	126	Chromium VI	TVS
Expiration Date of 12/31/2018		Inorganic (mg/L)		Copper	TVS	TVS
*Selenium(chronic) = 9.5 mg/kg dry weight whole body. See section 33.6(4) for selenium assessment locations and fish-tissue assessment method.		acute	chronic	Iron	---	1000(T)
		Ammonia	TVS	TVS	Lead	TVS
		Boron	---	0.75	Manganese	TVS
		Chloride	---	---	Mercury	---
		Chlorine	0.019	0.011	Molybdenum	---
		Cyanide	0.005	---	Nickel	TVS
		Nitrate	100	---	Selenium	TVS
		Nitrite	---	0.05	Silver	TVS
		Phosphorus	---	0.17	Uranium	---
		Sulfate	---	---	Zinc	TVS
		Sulfide	---	0.002		

REGULATION #33 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

Yampa River Basin

13h. Mainstem of Dry Creek, including all tributaries and wetlands, from the confluence with Temple Gulch to the confluence with the Yampa River near Hayden.					
COUCYA13H	Classifications	Physical and Biological		Metals (ug/L)	
Designation	Agriculture	DM	MWAT	acute	chronic
UP	Aq Life Warm 2	WS-II	WS-II	Aluminum	---
	Recreation E	acute	chronic	Arsenic	340
Qualifiers: Other: <u>*Iron(chronic) = See section 33.6(4) for iron assessment locations.</u> <u>*Selenium(acute) = See section 33.6(4) for selenium site-specific standards and assessment locations.</u> <u>*Selenium(chronic) = See section 33.6(4) for selenium site-specific standards and assessment locations.</u>	D.O. (mg/L)	---	5.0	Beryllium	---
	pH	6.5 - 9.0	---	Cadmium	TVS(T)
	chlorophyll a (mg/m ²)	---	150	Chromium III	TVS
	E. Coli (per 100 mL)	---	126	Chromium VI	TVS
	Inorganic (mg/L)			Copper	TVS
	acute	chronic		Iron	---
	Ammonia	TVS	TVS	Lead	TVS
	Boron	---	0.75	Manganese	TVS
	Chloride	---	---	Mercury	---
	Chlorine	0.019	0.011	Molybdenum	---
	Cyanide	0.005	---	Nickel	TVS
	Nitrate	100	---	Selenium	<u>TVSvaries*</u>
	Nitrite	---	0.05	Silver	TVS
	Phosphorus	---	0.17	Uranium	---
	Sulfate	---	---	Zinc	TVS
	Sulfide	---	0.002		
13i. Mainstem of Grassy Creek, including all tributaries and wetlands, from the source to immediately above the confluence with Scotchmans Gulch.					
COUCYA13I	Classifications	Physical and Biological		Metals (ug/L)	
Designation	Agriculture	DM	MWAT	acute	chronic
UP	Aq Life Warm 2	WS-II	WS-II	Aluminum	---
	Recreation N	acute	chronic	Arsenic	340
Qualifiers: Other: <u>Temporary Modification(s):</u> <u>Iron(chronic) = current conditions*</u> <u>Expiration Date of 12/31/2018</u> <u>Selenium(chronic) = current conditions</u> <u>Expiration Date of 12/31/2018</u> <u>*Iron(chronic), 7/1-2/29 = 1000(T) ug/L. See section 33.6(4) for iron assessment locations.</u> <u>*Iron(chronic), 3/1-6/30 = 1410(T) ug/L on Grassy Creek. See section 33.6(4) for iron assessment locations.</u> <u>*Iron(chronic), 3/1-6/30 = 2000(T) ug/L on Little Grassy Creek. See section 33.6(4) for iron assessment locations.</u> <u>*Selenium(chronic) = 9.5 mg/kg dry weight whole body. See section 33.6(4) for selenium assessment locations and fish-tissue assessment method.</u> <u>*TempMod: Iron = for Grassy Creek.</u>	D.O. (mg/L)	---	5.0	Beryllium	---
	pH	6.5 - 9.0	---	Cadmium	TVS
	chlorophyll a (mg/m ²)	---	---	Chromium III	TVS
	E. Coli (per 100 mL)	---	630	Chromium VI	TVS
	Inorganic (mg/L)			Copper	TVS
	acute	chronic		Iron	<u>7/1-2/29</u>
	Ammonia	TVS	TVS	<u>Iron</u>	<u>3/1-6/30</u>
	Boron	---	0.75	<u>Iron</u>	<u>3/1-6/30</u>
	Chloride	---	---	Lead	TVS
	Chlorine	0.019	0.011	Manganese	TVS
	Cyanide	0.005	---	Mercury	---
	Nitrate	100	---	Molybdenum	---
	Nitrite	---	0.05	Nickel	TVS
	Phosphorus	---	0.17	Selenium	TVS
	Sulfate	---	---	Silver	TVS
	Sulfide	---	0.002	Uranium	---
				Zinc	TVS

REGULATION #33 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

Yampa River Basin

13j. Mainstem of Grassy Creek, including all tributaries and wetlands, from the confluence with Scotchmans Gulch to the confluence with the Yampa River near Hayden.						
COUCYA13J	Classifications	Physical and Biological			Metals (ug/L)	
Designation	Agriculture		DM	MWAT	acute	chronic
UP	Aq Life Warm 2	Temperature °C	WS-II	WS-II	Aluminum	---
	Recreation N		acute	chronic	Arsenic	100(T)
Qualifiers:		D.O. (mg/L)	---	5.0	Beryllium	---
Other:		pH	6.5 - 9.0	---	Cadmium	TVS
*Selenium(acute) = See section 33.6(4) for selenium <u>site-specific standards and</u> assessment locations. *Selenium(chronic) = See section 33.6(4) for <u>selenium-site-specific standards and</u> assessment locations.		chlorophyll a (mg/m ²)	---	---	Chromium III	TVS
		E. Coli (per 100 mL)	---	630	Chromium VI	TVS
		Inorganic (mg/L)			Copper	TVS
			acute	chronic	Iron	1000(T)
		Ammonia	TVS	TVS	Lead	TVS
		Boron	---	0.75	Manganese	TVS
		Chloride	---	---	Mercury	0.01(t)
		Chlorine	0.019	0.011	Molybdenum	160(T)
		Cyanide	0.005	---	Nickel	TVS
		Nitrate	100	---	Selenium	3/1-6/30 TVSvaries*
		Nitrite	---	0.05	Silver	TVS
		Phosphorus	---	0.17	Uranium	---
		Sulfate	---	---	Zinc	TVS
		Sulfide	---	0.002		

EXHIBIT 7
TRI-STATE GENERATION AND TRANSMISSION ASSOCIATION, INC.

DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT

Water Quality Control Commission

REGULATION NO. 37 - CLASSIFICATIONS AND NUMERIC STANDARDS FOR LOWER COLORADO RIVER BASIN

5 CCR 1002-37

37.6 TABLES

...

(4) Assessment Criteria

...

(c) Lower Colorado Segment 4e Iron Standards and Assessment

Unnamed Tributary, Iron (chronic) = 3500 (T) µg/L, assessment location as follows:

- UT-2: Unnamed Tributary, immediately downstream of the Tri-State Rifle Station discharge (39.519572, -107.729424)

Dry Creek and remaining tributaries and wetlands, Iron (chronic) = 5900 (T) µg/L, assessment location as follows:

- DC-2: Dry Creek, downstream of dry tributary channel entering from the east from the Garfield County Airport (39.523944, -107.73496)

....

37.39 STATEMENT OF BASIS, SPECIFIC STATUTORY AUTHORITY AND PURPOSE; DECEMBER 11, 2017 RULEMAKING; FINAL ACTION JANUARY 8, 2018; EFFECTIVE DATE JUNE 30, 2018

The provisions of C.R.S. 25-8-202(1)(a), (b) and (2); 25-8-203; 25-8-204; and 25-8-402; provide the specific statutory authority for adoption of these regulatory amendments. The commission also adopted in compliance with 24-4-103(4) C.R.S. the following statement of basis and purpose.

BASIS AND PURPOSE

Lower Colorado River Segment 4e: temporary modifications of the iron (expire 12/31/2018) and copper (expire 12/31/2019) standards on Lower Colorado Segment 4e were reviewed. The Commission deleted the iron temporary modification and adopted site-specific iron standards based on the evidence submitted

by Tri-State Generation and Transmission Association, Inc. Tri-State also presented evidence that it is making progress on the plan for eliminating the need for the copper temporary modification.

IRON

Tri-State submitted sufficient data and justification to support two ambient-based site-specific total recoverable iron standards for Segment 4e: one based on data from the Unnamed Tributary (Site UT-2) located immediately below Tri-State Rifle Station's discharge, and one based on data from a downstream site on Dry Creek (Site DC-2), the furthest downstream sample site. Data were included from samples taken at times when no discharge from the Rifle Station was occurring to represent the natural iron concentrations. These data indicated that natural sources of ambient iron present within the Dry Creek watershed are driving the instream concentrations of total recoverable iron detected at sample locations downstream of the Tri-State Rifle Station. The Commission adopted a standard of 3500 µg/L for the Unnamed Tributary, and a standard of 5900 µg/L for the remaining parts of the segment, as a conservative approach based on background conditions. Evidence submitted by Tri-State demonstrated that ambient iron concentrations were not inhibiting the attainment of the limited aquatic use. Therefore, ambient iron concentrations provide a reasonable basis for site-specific standards, which are expected to protect the aquatic community.

The Commission specified assessment locations for the two iron standards at section 37.6(4)(c) to ensure that future assessment is consistent with the methods used to derive the standards.

The Commission removed the temporary modification for iron of "current condition" that had previously been in place for Lower Colorado Segment 4e.

COPPER

The Commission considered the temporary modification for copper for Lower Colorado Segment 4e. Tri-State continues to make progress on the temporary modification of the copper standard, and plans to propose standards at the June 2019 basin rulemaking.

**COLORADO DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT
WATER QUALITY CONTROL COMMISSION**

5 CCR 1002-37

**REGULATION NO. 37
CLASSIFICATIONS AND NUMERIC STANDARDS
FOR
LOWER COLORADO RIVER BASIN**

**APPENDIX 37-1
Stream Classifications and Water Quality Standards Tables**

Effective 06/30/~~2017~~2018

REGULATION #37 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

Lower Colorado River

4e. Mainstem of Dry Creek including all tributaries and wetlands from the source to immediately above the Last Chance Ditch.						
COLCLC04E	Classifications	Physical and Biological			Metals (ug/L)	
Designation	Agriculture		DM	MWAT	acute	chronic
UP	Aq Life Cold 2	Temperature °C	CS-II	CS-II	Aluminum	---
	Recreation N		acute	chronic	Arsenic	340
Qualifiers:		D.O. (mg/L)	---	5.0	Beryllium	---
Other:		pH	6.5 - 9.0	---	Cadmium	TVS
Temporary Modification(s):		chlorophyll a (mg/m²)	---	---	Chromium III	TVS
Copper(ac/ch) = current conditions		E. Coli (per 100 mL)	---	630	Chromium III	---
Expiration Date of 12/31/2019		Inorganic (mg/L)			Chromium VI	TVS
Iron(chronic) = current conditions			acute	chronic	Copper	TVS
Expiration Date of 12/31/2018		Ammonia	TVS	TVS	Iron	---
*Iron(chronic) = See section 37.6(4) for iron assessment locations.		Boron	---	0.75	Iron	---
*Iron(chronic) = 3500 (T) ug/L on Unnamed Tributary. See section 37.6(4) for iron assessment locations.		Chloride	---	---	Lead	TVS
*Phosphorus(chronic) = applies only above the facilities listed at 37.5(4).		Chlorine	0.019	0.011	Manganese	TVS
		Cyanide	0.005	---	Mercury	---
		Nitrate	100	---	Molybdenum	---
		Nitrite	---	0.05	Nickel	TVS
		Phosphorus	---	0.11*	Selenium	TVS
		Sulfate	---	---	Silver	TVS
		Sulfide	---	0.002	Uranium	---
					Zinc	TVS

Notice of Proposed Rulemaking

Tracking number

2017-00357

Department

1000 - Department of Public Health and Environment

Agency

1002 - Water Quality Control Commission (1002 Series)

CCR number

5 CCR 1002-33

Rule title

REGULATION NO. 33 - CLASSIFICATIONS AND NUMERIC STANDARDS FOR UPPER COLORADO RIVER BASIN AND NORTH PLATTE RIVER (PLANNING REGION 12)

Rulemaking Hearing**Date**

12/12/2017

Time

10:00 AM

Location

Sabin Conference Room, CDPHE, 4300 Cherry Creek Drive South, Denver, CO 80246

Subjects and issues involved

Proposed revisions to the molybdenum standards in the Basic Standards and Methodologies for Surface Water, Regulation #31 (5 CCR 1002-31), and resolution of the molybdenum temporary modification on Segment 14 of the Blue River in the Classifications and Numeric Standards for for Upper Colorado River Basin and North Platte River (Planning Region 12), Regulation #33 (5 CCR 1002-33)

Statutory authority

sections 25-8-202(1)(a), (b), and (2); 25-8-203; 25-8-204; and 25-8-402, C.R.S.

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COLORADO

Water Quality Control Commission

Department of Public Health & Environment

NOTICE OF PUBLIC RULEMAKING HEARING BEFORE THE COLORADO WATER QUALITY CONTROL COMMISSION

SUBJECT:

For consideration of the adoption of revisions to the molybdenum standards in the Basic Standards and Methodologies for Surface Water, Regulation #31 (5 CCR 1002-31), and resolution of the molybdenum temporary modification on Segment 14 of the Blue River in the Classifications and Numeric Standards for for Upper Colorado River Basin and North Platte River (Planning Region 12), Regulation #33 (5 CCR 1002-33). Revisions proposed by Climax Molybdenum Company, along with a proposed Statement of Basis, Statutory Authority and Purpose are attached to this notice as Exhibits 1 and 2.

In these attachments, proposed new language is shown with double-underlining and proposed deletions are shown with ~~strikeouts~~. Any alternative proposals related to the subject of this hearing will also be considered.

SCHEDULE OF IMPORTANT DATES

Proponent's prehearing statement due	09/27/2017 5 pm	Additional information below.
Party status requests due	10/04/2017 5 pm	Additional information below.
Responsive prehearing statements due	10/27/2017 5 pm	Additional information below.
Rebuttal statements due	11/22/2017 5 pm	Additional information below.
Last date for submittal of motions	11/27/2017 5 pm	Additional information below.
Notify commission office if participating in prehearing conference by phone	11/27/2017 by noon	Send email to cdphe.wqcc@state.co.us with participant(s) name(s)
Prehearing Conference (mandatory for parties)	11/29/2017 1:00 pm	Snow Conference Room Department of Public Health and Environment 4300 Cherry Creek Drive South Denver, CO 80246 Call-in: 1-857-216-6700, Code: 425132
Rulemaking Hearing	12/12/2017 10:00 am	Florence Sabin Conference Room Department of Public Health and Environment 4300 Cherry Creek Drive South Denver, CO 80246

HEARING SUBMITTALS:

For this hearing, the commission will receive all submittals electronically. Submittals must be provided as PDF documents, except for raw data exhibits which may be provided as Excel workbooks. Submittals may be emailed to cdphe.wgcc@state.co.us, provided via an FTP site, CD or flash drive, or otherwise conveyed to the commission office so as to be received no later than the specified date.

PARTY STATUS:

Party status requests must be in writing and must provide:

- the organization's name,
- one contact person,
- a mailing address,
- a phone number, and
- email addresses of all individuals associated with the party who wish to be notified when new submittals are available on the commission's website for review.

In accordance with section 25-8-104(2)(d), C.R.S., any person who believes that the actions proposed in this notice have the potential to cause material injury to his or her water rights is requested to so indicate, along with an explanation of the alleged harm, in their party status request.

PREHEARING AND REBUTTAL STATEMENTS:

Each party must submit a prehearing statement: parties that have proposed revisions attached as exhibits to the notice must submit a proponent's prehearing statement. All other parties must submit a responsive prehearing statement. Proponents may also submit responsive prehearing statements when there are multiple proposals attached to the notice.

Each prehearing and rebuttal statement must be provided as a separate PDF document from any accompanying written testimony or exhibits.

Following the rebuttal statement due date, no other written materials will be accepted from parties except for good cause shown.

Oral testimony at the hearing should primarily summarize written material previously submitted. The hearing will emphasize commission questioning of parties and other interested persons about their written prehearing submittals. Introduction of written material at the hearing by those with party status will not be permitted unless authorized by the commission.

PREHEARING CONFERENCE:

Attendance at the prehearing conference is mandatory for all persons requesting party status. Parties needing to participate by telephone are encouraged to notify the commission office prior to the prehearing conference. Remote participants can call 1-857-216-6700 and enter the conference code 425132.

Following the cut-off date for motions, no motions will be accepted, except for good cause shown.

PUBLIC PARTICIPATION ENCOURAGED:

The commission encourages input from non-parties, either orally at the hearing or in writing prior to the hearing. Written submissions should be emailed to cdphe.wqcc@state.co.us by November 29, 2017.

SPECIFIC STATUTORY AUTHORITY:

The provisions of sections 25-8-202(1)(a), (b), and (2); 25-8-203; 25-8-204; and 25-8-402, C.R.S., provide the specific statutory authority for consideration of the regulatory amendments proposed by this notice. Should the commission adopt the regulatory language as proposed in this notice or alternative amendments, it will also adopt, in compliance with section 24-4-103(4) C.R.S., an appropriate Statement of Basis, Specific Statutory Authority, and Purpose.

Dated this 9th day of August, 2017 at Denver, Colorado.

WATER QUALITY CONTROL COMMISSION



Digitally signed by Trisha Oeth
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Quality Control Commission,
email=trisha.oeth@state.co.us, c=US
Date: 2017.08.09 07:42:49 -06'00'

Trisha Oeth, Administrator

EXHIBIT 1
CLIMAX MOLYBDENUM COMPANY

COLORADO DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT

Water Quality Control Commission

REGULATION NO. 31 - THE BASIC STANDARDS AND METHODOLOGIES FOR SURFACE WATER

5 CCR 1002-31

31.16 TABLES

...

(3) REFERENCES

...

- (O) Raisbeck, M.F., S. L. Riker, C. M. Tate, R. Jackson, M. A. Smith, K. J. Reddy and J. R. Zygmunt. 2008. Water quality for Wyoming livestock and wildlife. University of Wyoming AES Bulletin B-4483Kistner, M.J., J.J. Wagner, J. Evans, S. Chalberg, S. Jalali, K. Sellins, M.L. Kesel, T. Holt, and T.E. Engle. 2017. The effects of molybdenum water concentration on feedlot performance, tissue mineral concentrations, and carcass quality of feedlot steers. J. Anim. Sci. 95:2758-2766.
- (P) Murray, F. Jay, F.M. Sullivan, A.K. Tiwary, S. Carey. 2014. 90-Day subchronic toxicity study of sodium molybdate dihydrate in rats. J. of Regulatory Toxicology & Pharmacology 70:579-588;Murray, F. Jay, R.W. Tyl, F.M. Sullivan, A.K. Tiwary, S. Carey. 2014. Developmental toxicity study of sodium molybdate dihydrate administered in the diet to Sprague Dawley rats. Reproductive Toxicology 40:202-208; Two-Generation (One Litter per Generation) Reproduction Study of Sodium Molybdate Dihydrate in Rats, Study Conducted by Charles River Laboratories, USA, April 2017, International Molybdenum Association.

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TABLE III - METAL PARAMETERS

TABLE III METAL PARAMETERS (Concentration in µg/l)						
METAL ⁽¹⁾	AQUATIC LIFE ^{(1)(3)(4)(J)}		AGRICULTURE ⁽²⁾	DOMESTIC WATER-SUPPLY ⁽²⁾	WATER + FISH ⁽⁷⁾	FISH INGESTION ⁽¹⁰⁾
	ACUTE	CHRONIC				
Aluminum	$e^{(1.3695[\ln(\text{hardness})]+1.8308)}$ (tot.rec.)	87 or $e^{(1.3695[\ln(\text{hardness})]-0.1158)}$ (tot.rec.) ⁽¹¹⁾			---	---
Antimony				6.0 (30-day)	5.6	640
Arsenic	340	150	100 ^(A) (30-day)	0.02 – 10 ⁽¹³⁾ (30-day)	0.02	7.6
Barium				1,000 ^(E) (1-day) 490 (30-day)	---	---
Beryllium			100 ^(A,B) (30-day)	4.0 (30-day)	---	---
Cadmium	$(1.136672-[\ln(\text{hardness}) \times e^{0.9151[\ln(\text{hardness})]-3.1485} (0.041838)]) \times e^{(Trout)=(1.136672-[\ln(\text{hardness}) \times e^{0.9151[\ln(\text{hardness})]-3.6236} (0.041838)]) \times e}$	$(1.101672-[\ln(\text{hardness}) \times e^{0.7998[\ln(\text{hardness})]-4.4451}]) \times e$	10 ^(B) (30-day)	5.0 ^(E) (1-day)	---	---
Chromium III ⁽⁵⁾	$e^{(0.819[\ln(\text{hardness})]+2.5736)}$	$e^{(0.819[\ln(\text{hardness})]+0.5340)}$	100 ^(B) (30-day)	50 ^(E) (1-day)	---	---
Chromium VI ⁽⁵⁾	16	11	100 ^(B) (30-day)	50 ^(E) (1-day)	100(30-day)	---
Copper	$e^{(0.9422[\ln(\text{hardness})]-1.7408)}$	$e^{(0.8545[\ln(\text{hardness})]-1.7428)}$	200 ^(B)	1,000 ^(F) (30-day)	1,300	---
Iron		1,000(tot.rec.) ^(A,C)		300(dis) ^(F) (30-day)	---	---
Lead	$(1.46203-[(\ln(\text{hardness})^* (0.145712))]*e^{(1.273[\ln(\text{hardness})]-1.46)})$	$(1.46203-[(\ln(\text{hardness})^* (0.145712))]*e^{(1.273[\ln(\text{hardness})]-4.705)})$	100 ^(B) (30-day)	50 ^(E) (1-day)	—	---
Manganese	$e^{(0.3331[\ln(\text{hardness})]+6.4676)}$	$e^{(0.3331[\ln(\text{hardness})]+5.8743)}$	200 ^(B) (30-day) ⁽¹²⁾	50(dis) ^(F) (30-day)	—	---
Mercury		FRV(fish) ⁽⁶⁾ = 0.01 (Total)		2.0 ^(E) (1-day)	—	---
Molybdenum			300 1000 ^(O) (30-day) ⁽¹⁵⁾	240 9000 ^(P) (30-day)		
Nickel	$e^{(0.846[\ln(\text{hardness})]+2.253)}$	$e^{(0.846[\ln(\text{hardness})]+0.0554)}$	200 ^(B) (30-day)	100 ^(E) (30-day)	610	4,600

TABLE III METAL PARAMETERS (Concentration in µg/l)						
METAL ⁽¹⁾	AQUATIC LIFE ^{(1)(3)(4)(J)}		AGRICULTURE ⁽²⁾	DOMESTIC WATER-SUPPLY ⁽²⁾	WATER + FISH ⁽⁷⁾	FISH INGESTION ⁽¹⁰⁾
	ACUTE	CHRONIC				
Selenium ⁽⁹⁾	18.4	4.6	20 ^(B,D) (30-day)	50 ^(E) (30-day)	170	4,200
Silver	$\frac{1}{2}e^{(1.72[\ln(\text{hardness})]-6.52)}$	$e^{(1.72[\ln(\text{hardness})]-9.06)}$ (Trout) = $e^{(1.72[\ln(\text{hardness})]-10.51)}$		100 ^(F) (1-day)	—	---
Thallium		15 ^(C)		0.5 (30-day)	0.24	0.47
Uranium ⁽¹⁶⁾	$e^{(1.1021[\ln(\text{hardness})]+2.7088)}$	$e^{(1.1021[\ln(\text{hardness})]+2.2382)}$		16.8 – 30 ⁽¹³⁾ (30-day)	---	---
Zinc	$0.978 * e^{(0.9094[\ln(\text{hardness})]+0.9095)}$	$0.986 * e^{(0.9094[\ln(\text{hardness})]+0.6235)}$ (sculpin) ⁽¹⁴⁾ = $e^{(2.140[\ln(\text{hardness})]-5.084)}$	2000 ^(B) (30-day)	5,000 ^(F) (30-day)	7,400	26,000
NOTE: Capital letters in parentheses refer to references listed in section 31.16(3); Numbers in parentheses refer to Table III footnote						

Table III – Footnotes

- ...
- (15) In determining whether adoption of a molybdenum standard is appropriate for a segment, the Commission will consider whether livestock or irrigated forage is present or expected to be present. The table value assumes that copper and molybdenum concentrations in forage are ~~79.8~~ 79.8 mg/kg and ~~0.5-0.6~~ 0.5-0.6 mg/kg respectively, forage intake is ~~6-8~~ 11.4 kg/day, copper concentration in water is 0.008 mg/l, water intake is ~~54-628.2~~ 11.4 l/day, copper supplementation is ~~480~~ 480 mg/day, and that a Cu:Mo ratio of ~~4:42.8:1~~ 4:42.8:1 is appropriate with a 0.075 mg/l molybdenum margin of safety. Numeric standards different than the table-value may be adopted on a site-specific basis where appropriate justification is presented to the Commission. In evaluating site-specific standards, the relevant factors that should be considered include the presence of livestock or irrigated forage, and the total intake of copper, molybdenum, and sulfur from all sources (i.e., food, water, and dietary supplements). In general, site-specific standards should be based on achieving a safe copper:molybdenum total exposure ratio, with due consideration given to the sulfur exposure. A higher Cu:Mo ratio may be necessary where livestock exposure to sulfur is also high. Species specific information shall be considered where cattle are not the most sensitive species.
- ...

31.57 STATEMENT OF BASIS, SPECIFIC STATUTORY AUTHORITY AND PURPOSE; DECEMBER 12, 2017 RULEMAKING; EFFECTIVE JUNE 30, 2018

The provisions of sections 25-8-202(1)(b), 25-8-204; and 25-8-402, C.R.S., provide the specific statutory authority for adoption. The Commission also adopted, in compliance with section 24-4-103(4) C.R.S., the following statement of basis and purpose.

BASIS AND PURPOSE:

The Commission adopted revised total recoverable molybdenum standards of 9,000 µg/L to protect the water supply use, and 1,000 µg/L to protect the agriculture use.

Water Supply Standard

The water supply standard of 9,000 µg/L is based on three recent toxicity studies and application of the following equation included in Policy 96-2 for the development of "Statewide Standards and Table Value Criteria for Domestic Water Supply":

$$\text{Drinking Water Standard, } \mu\text{g/L} = \frac{\text{RfD} \times 70 \times 1000 \mu\text{g/mg} \times \text{RSC}}{2 \times \text{UF}}$$

As applied in this hearing:

Reference Dose (RfD) = 0.566 mg Mo/kg/day (based on a NOAEL of 17 mg Mo/kg/day and composite uncertainty factor (UF) of 30)
Weight of average adult = 70 kg
Drinking water consumption = 2 L/day
Relative Source Contribution (RSC) = 0.5
Uncertainty Factor (UF) = 1.0 (molybdenum is not a Group C chemical)

The RfD is derived from the "no observable adverse effect level" (NOAEL) of 17 mg Mo/kg/day which is the most sensitive NOAEL from the following toxicity studies:

- F. Jay Murray et al. 90-Day subchronic toxicity study of sodium molybdate dihydrate in rats. Journal of Regulatory Toxicology & Pharmacology, Vol. 70 (2014), 579-588.

- F. Jay Murray et al. Developmental toxicity study of sodium molybdate dihydrate administered in the diet to Sprague Dawley rats. *Reproductive Toxicology*, Vol. 40 (2014), 202-208.
- Two-Generation (One Litter per Generation) Reproduction Study of Sodium Molybdate Dihydrate in Rats, Study Conducted by Charles River Laboratories, USA (April 2017), International Molybdenum Association.

These studies resulted in NOAELs of 17, 40 and 17 mg/L respectively. The lowest (most sensitive) NOAEL of 17 mg/L was used and was divided by the UF=30 to obtain the RfD=0.566 mg/Mo/kg/day. The three toxicity studies are recent state of the art studies performed according to Organization for Economic Cooperation and Development (OECD) guidelines. They indicate that the toxicity of molybdenum is significantly lower than indicated in older toxicity studies, including the Fungwe et al. (1990) study that was considered by the Commission in 2010 when it adopted the molybdenum standard of 210 µg/L.

The UF of 30 used to calculate the RfD is based on application of an interspecies uncertainty factor of 10 to account for possible differences between rats and humans and an intraspecies uncertainty factor of 3 to account for possible variability among humans. In using the total UF=30 for calculating the RfD, the Commission considered that molybdenum is an essential element and that the body has homeostatic mechanisms to regulate levels of essential elements.

The RSC is the percentage of the total daily exposure to molybdenum contributed by drinking water. The RSC of 0.5 is based on discussions with EPA and other stakeholders, which assumes that one-half of the daily molybdenum consumption would come from water.

The UF specified by Policy 96-2 in the denominator of the equation is 1.0 for most chemicals. For certain Group C chemicals, a UF of 10 is employed according to Policy 96-2. Since molybdenum is not a Group C chemical, a UF of 1.0 is used.

The drinking water consumption of 2 L/day and the average adult weight of 70 kg are values that have been regularly used by EPA and the Commission in calculating drinking water standards.

Application of the values above in the Policy 96-2 equation results in a drinking water standard for molybdenum of 9,905 µg/L. This value was reduced to 9,000 µg/L to include a margin of safety.

Agriculture Standard

The agriculture standard of 1,000 µg/L is based on the results of a study done at Colorado State University, The Effects of Molybdenum Water Concentration on Feedlot Performance, Tissue Mineral Concentrations, and Carcass Quality of Feedlot Steers, Kistner et al., *Journal of Animal Science* Vol. 95 (2017), 2758-2766, as well as an equation that was developed by the Division in the 2010 Basic Standards hearing.

In the Kistner et al. study, 30 young steers received molybdenum in drinking water at five target dose levels (0, 160, 320, 480, and 960 µg/L) in a randomized block design whereby animals in two replicate groups were chronically exposed to molybdenum in water from February through November of 2015. The results of this study showed that molybdenum added in drinking water up to 1026.8 µg/L¹ had no impact on performance, mineral status, water intake, and carcass characteristics. The dose of 1026.8 µg/L is considered to be a NOAEL which provides a basis for the water quality standard of 1,000 µg/L. Because the highest dose tested was 1026.8 µg/L, it is possible that a true NOAEL would be even higher. Therefore, a standard of 1,000 µg/L is justified based on the results of the Kistner et al. study.

The existing agriculture standard of 300 µg/L was based on the following equation, which was developed by the Division in the 2010 Basic Standards hearing:

¹ The Kistner et al. study notes that the target dose of 960 µg/L was actually 1026.8 µg/L, based on the measured mean molybdenum concentration.

$$\frac{(\text{Cu}_{\text{forage}} \times \text{Forage}_{\text{intake}}) + (\text{Cu}_{\text{water}} \times \text{Water}_{\text{intake}}) + \text{Cu}_{\text{supp}}}{\text{Cu:Mo Safe Ratio}} - (\text{Mo}_{\text{Forage}} \times \text{Forage}_{\text{intake}})$$

TVS=

$\text{Water}_{\text{intake}}$

The 300 µg/L standard was disapproved by EPA in 2011 because it included an assumption for copper supplementation. The other assumptions used to develop the 2010 standard were based on various anecdotal sources. Basing the inputs to the Division's equation on the following actual values of data obtained in the Kistner et al. study and excluding the copper supplementation factor, the resulting calculated table value standard is 1,100 µg/L.

Copper concentration in forage ($\text{Cu}_{\text{forage}}$):	9.8 mg/kg	CSU median
Molybdenum concentration in forage ($\text{Mo}_{\text{forage}}$):	0.6 mg/kg	CSU median
Forage intake rate ($\text{Forage}_{\text{intake}}$):	11.4 kg/day	CSU median
Copper concentration in water (Cu_{water}):	0.008 mg/L	WQCD mean
Water intake rate ($\text{Water}_{\text{intake}}$):	28.2 L/day	CSU median
Copper supplementation in feed (Cu_{supp}):	0	
Cu:Mo exposure ratio (Cu:Mo Safe Ratio):	2.8	Ratio at highest CSU dose
Margin of safety:	0.075 mg/L	

The Commission adopted a standard of 1,000 µg/L based on the results of the Kistner et al. study and application of actual data from the Kistner et al. study in the equation.

EXHIBIT 2
CLIMAX MOLYBDENUM COMPANY

DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT

Water Quality Control Commission

REGULATION NO. 33 - CLASSIFICATIONS AND NUMERIC STANDARDS FOR UPPER COLORADO RIVER BASIN AND NORTH PLATTE RIVER (PLANNING REGION 12)

5 CCR 1002-33

33.60 STATEMENT OF BASIS, SPECIFIC STATUTORY AUTHORITY AND PURPOSE; DECEMBER 12, 2017 RULEMAKING; FINAL ACTION JANUARY 8, 2018; EFFECTIVE DATE JUNE 30, 2018

The provisions of C.R.S. 25-8-202(1)(a), (b) and (2); 25-8-203; 25-8-204; and 25-8-402; provide the specific statutory authority for adoption of these regulatory amendments. The Commission also adopted in compliance with 24-4-103(4) C.R.S. the following statement of basis and purpose.

BASIS AND PURPOSE

The Commission adopted updated molybdenum standards for agriculture and water supply in Regulation 31, Section 31.16, Table III. Contemporaneously, the Commission updated the molybdenum standards on the following segments in the Upper Colorado River Basin:

Upper Colorado River Segment 8: The Commission removed the agriculture-based standard of 190(T) µg/L and replaced it with the updated agriculture-based standard of 1000(T) µg/L.

Blue River Segment 14: The Commission removed the water-supply based standard of 210(T) µg/L and replaced it with the updated drinking water supply-based standard of 9000(T) µg/L. The Commission removed the existing temporary modification for molybdenum of "current conditions."

The Commission made no changes to molybdenum standards on other Upper Colorado River Basin segments or segments in other basins. The Commission will update molybdenum standards in this and other basins in future rulemakings.

**COLORADO DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT
WATER QUALITY CONTROL COMMISSION**

5 CCR 1002-33

**REGULATION NO. 33
CLASSIFICATIONS AND NUMERIC STANDARDS
FOR
UPPER COLORADO RIVER BASIN AND
NORTH PLATTE RIVER (PLANNING REGION 12)**

**APPENDIX 33-1
Stream Classifications and Water Quality Standards Tables**

Effective ~~06/30/2017~~ 06/30/2018

Upper Colorado River Basin

8. Mainstem of the Williams Fork River, including all tributaries and wetlands from the source to the confluence with the Colorado River, except for those tributaries listed in Segment 9.

14. Mainstem of Tenmile Creek, including all tributaries and wetlands from a point immediately above the confluence with West Tenmile Creek to Dillon Reservoir, except for the specific listing in Segment 16.						
COUCBL14	Classifications	Physical and Biological			Metals (ug/L)	
Designation	Agriculture	DM		MWAT	acute	chronic
Reviewable	Aq Life Cold 1	Temperature °C	CS-I	CS-I	Aluminum	---
	Recreation E		acute	chronic	Arsenic	340
	Water Supply	D.O. (mg/L)	---	6.0	Beryllium	---
Qualifiers:		D.O. (spawning)	---	7.0	Cadmium	TVS(tr)
Other:		pH	6.5 - 9.0	---	Chromium III	50(T)
Temporary Modification(s):		chlorophyll a (mg/m ²)	---	150*	Chromium VI	TVS
Arsenic(chronic) = hybrid		E. Coli (per 100 mL)	---	126	Copper	TVS
Expiration Date of 12/31/2021		Inorganic (mg/L)			Iron	---
Molybdenum(chronic) = current conditions			acute	chronic	Iron	---
Expiration Date of 12/31/2017		Ammonia	TVS	TVS	Lead	TVS
*chlorophyll a (mg/m ²)(chronic) = applies only above the facilities listed at 33.5(4).		Boron	---	0.75	Manganese	TVS
*Phosphorus(chronic) = applies only above the facilities listed at 33.5(4).		Chloride	---	250	Manganese	---
		Chlorine	0.019	0.011	Mercury	---
		Cyanide	0.005	---	Molybdenum	---
		Nitrate	10	---	Nickel	TVS
		Nitrite	---	0.05	Selenium	TVS
		Phosphorus	---	0.11*	Silver	TVS(tr)
		Sulfate	---	WS	Uranium	---
		Sulfide	---	0.002	Zinc	TVS
					Zinc	---
						TVS(sc)

Notice of Proposed Rulemaking

Tracking number

2017-00349

Department

1000 - Department of Public Health and Environment

Agency

1002 - Water Quality Control Commission (1002 Series)

CCR number

5 CCR 1002-36

Rule title

REGULATION NO. 36 - CLASSIFICATIONS AND NUMERIC STANDARDS FOR RIO GRANDE BASIN

Rulemaking Hearing**Date**

12/11/2017

Time

11:45 AM

Location

Sabin Conference Room, CDPHE, 4300 Cherry Creek Drive South, Denver, CO 80246

Subjects and issues involved

proposed correction of typos formatting and other non-substantive edits.

Statutory authority

sections 25-8-202(1)(a), (b), and (2); 25-8-203; 25-8-204; and 25-8-402, C.R.S.

Contact information**Name**

Blake Beyea

Title

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COLORADO

Water Quality
Control Commission

Department of Public Health & Environment

NOTICE OF PUBLIC RULEMAKING HEARING BEFORE THE COLORADO WATER QUALITY CONTROL COMMISSION

SUBJECT:

For consideration of the adoption of revisions to correct typos, formatting and other non-substantive edits, in the Basic Standards and Methodologies for Surface Water, Regulation #31 (5 CCR 1002-31), and in multiple segments of the Classifications and Numeric Standards for:

- Arkansas River Basin, Regulation #32 (5 CCR 1002-32);
- Rio Grande Basin, Regulation #36 (5 CCR 1002-36); and
- South Platte River Basin, Laramie River Basin, Republican River Basin, Smoky Hill River Basin, Regulation #38 (5 CCR 1002-38).

Revisions proposed by the Water Quality Control Division (division), along with proposed Statements of Basis, Specific Statutory Authority and Purpose, are attached to this notice as Exhibits 1 through 4.

In these attachments, proposed new language is shown with double-underlining and proposed deletions are shown with ~~strikeouts~~. Any alternative proposals related to the subject of this hearing will also be considered.

During the commission's consideration of whether to approve this notice of rulemaking, the commission determined that there is not a likelihood of significant controversy during the rulemaking process. Therefore, the commission has chosen to pursue an alternative rulemaking process consistent with section 24-4-103(4)(a) C.R.S.; and section 21.3(C)(5) of the Procedural Rules. It is the goal of the commission to complete this rulemaking without oral testimony.

SCHEDULE OF IMPORTANT DATES

Written comments due	11/29/2017 5 pm	Additional information below.
Rulemaking Hearing	12/11/2017 11:45 am	Florence Sabin Conference Room Department of Public Health and Environment 4300 Cherry Creek Drive South Denver, CO 80246

HEARING SUBMITTALS:

For this hearing, the commission will receive all submittals electronically. Submittals must be provided as PDF documents, except for raw data exhibits which may be provided as Excel workbooks. Submittals may be emailed to cdphe.wqcc@state.co.us, provided via an FTP site,

CD or flash drive, or otherwise conveyed to the commission office so as to be received no later than the specified date.

PARTY STATUS:

Pursuant to section 21.3(D) of the commission's Procedural Rules, there shall be no party status for this rulemaking proceeding.

WRITTEN COMMENTS:

The commission encourages input from interested members of the public. Written comments should be emailed to cdphe.wqcc@state.co.us by November 29, 2017.

SPECIFIC STATUTORY AUTHORITY:

The provisions of sections 25-8-202(1)(a), (b), and (2); 25-8-203; 25-8-204; and 25-8-402, C.R.S., provide the specific statutory authority for consideration of the regulatory amendments proposed by this notice. Should the commission adopt the regulatory language as proposed in this notice or alternative amendments, it will also adopt, in compliance with section 24-4-103(4) C.R.S., an appropriate Statement of Basis, Specific Statutory Authority, and Purpose.

Dated this 8th day of August, 2017 at Denver, Colorado.

WATER QUALITY CONTROL COMMISSION



Digitally signed by Trisha Oeth
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Quality Control Commission,
email=trisha.oeth@state.co.us, c=US
Date: 2017.08.08 08:21:49 -06'00'

Trisha Oeth, Administrator

EXHIBIT 1
WATER QUALITY CONTROL DIVISION

DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT

Water Quality Control Commission

REGULATION NO. 31 – THE BASIC STANDARDS AND METHODOLOGIES FOR SURFACE WATER

5 CCR 1002-31

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31.16 TABLES

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TABLE I – PHYSICAL AND BIOLOGICAL PARAMETERS

TABLE I PHYSICAL AND BIOLOGICAL PARAMETERS								
Parameter	Recreational			Aquatic Life			Agriculture	Domestic Water Supply
	CLASS E (Existing Primary Contact) and CLASS U (Undetermined Use)	CLASS P (Potential Primary Contact Use)	CLASS N (Not Primary Contact Use)	CLASS 1 COLD WATER BIOTA	CLASS 1 WARM WATER BIOTA	CLASS 2		
PHYSICAL								
...								
Temperature (°C) ⁽⁵⁾				Rivers & Streams: Tier I^{a,g}: June-Sept = 17.0 (ch), 21.7 (ac) Oct –May = 9.0 (ch), 13.0 (ac) Tier II^{b,g}: Apr-Oct = 18.3 (ch), 24.3 (ac) Nov-Mar = 9.0 (ch), 13.0 (ac) Lakes & Res^h: Apr-Dec = 17.0 (ch), 21.2 (ac) Jan-Mar = 9.0 (ch), 13.0 (ac) Large Lakes & Res^{c,h}: Apr-Dec = 18.3 (ch), 24.2 (ac) Jan-Mar = 9.0 (ch), 13.0 (ac)	Rivers & Streams: Tier I^d: Mar-Nov = 24.2 (ch), 29.0 (ac) Dec-Feb = 12.1 (ch), 24.6 (ac) Tier II^e: Mar-Nov = 27.5 (ch), 28.6 (ac) Dec-Feb = 13.8 (ch), 25.2 (ac) Tier III^f: Mar-Nov = 28.7 (ch), 31.8 (ac) Dec-Feb = 14.3 (ch), 24.9 (ac) Lakes & Res: Apr-Dec = 26.2 (ch), 29.3 (ac) Jan-Mar = 13.1 (ch), 24.1 (ac)	Same as Class 1		
...								
Note: Capital letters in parentheses refer to references listed in section 31.16(3); Numbers in parentheses refer to Table 1 footnotes.								
^a Cold Stream Tier I temperature criteria apply where cutthroat trout and brook trout are expected to occur. ^b Cold Stream Tier II temperature criteria apply where cold-water aquatic species, excluding cutthroat trout or brook trout, are expected to occur. ^c Large Cold Lakes temperature criteria apply to lakes and reservoirs with a surface area equal to or greater than 100 acres surface area. ^d Warm Stream Tier I temperature criteria apply where common shiner, johnny darter, or orangethroat darter, or stonecat are expected to occur. ^e Warm Stream Tier II temperature criteria apply where brook stickleback, central stoneroller, creek chub, finescale dace, longnose dace, mountain sucker, northern redbelly dace, razorback sucker, or white sucker are expected occur, and none of the more thermally sensitive species in Tier I are expected to occur. ^f Warm Stream Tier III temperature criteria apply where warm-water aquatic species are expected to occur, and none of the more thermally sensitive species in Tiers I and II are expected to occur. ^g Mountain whitefish-based summer temperature criteria [16.9 (ch), 21.2 (ac)] apply when and where spawning and sensitive early life stages of this species are known to occur. ^h Lake trout-based summer temperature criteria [16.6 (ch), 22.4 (ac)] apply where appropriate and necessary to protect lake trout from thermal impacts.								

31.56 STATEMENT OF BASIS SPECIFIC STATUTORY AUTHORITY AND PURPOSE; DECEMBER 11, 2017 RULEMAKING; FINAL ACTION DECEMBER 11, 2017; EFFECTIVE DATE JANUARY 31, 2018

The provisions of C.R.S. 25-8-202(1)(a), (b) and (2); 25-8-203; 25-8-204; and 25-8-402; provide the specific statutory authority for adoption of these regulatory amendments. The commission also adopted, in compliance with 24-4-103(4) C.R.S., the following statement of basis and purpose.

BASIS AND PURPOSE

In this hearing, the commission made a correction to Regulation No. 31. A typographical error has been identified that does not reflect the commission's intended decisions from a recent hearing.

When the temperature standards were updated in June 2015, a typo was introduced in Table I – Physical and Biological Parameters, Footnote e. The commission corrected the spelling of northern redbelly dace in the species list included in Footnote e.

EXHIBIT 2
WATER QUALITY CONTROL DIVISION

DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT

Water Quality Control Commission

REGULATION NO. 32 – CLASSIFICATIONS AND NUMERIC STANDARDS FOR ARKANSAS RIVER
BASIN

5 CCR 1002-32

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**32.59 STATEMENT OF BASIS SPECIFIC STATUTORY AUTHORITY AND PURPOSE; DECEMBER
11, 2017 RULEMAKING; FINAL ACTION DECEMBER 11, 2017; EFFECTIVE DATE JANUARY
31, 2018**

The provisions of C.R.S. 25-8-202(1)(a), (b) and (2); 25-8-203; 25-8-204; and 25-8-402; provide the specific statutory authority for adoption of these regulatory amendments. The commission also adopted, in compliance with 24-4-103(4) C.R.S., the following statement of basis and purpose.

BASIS AND PURPOSE

In this hearing, the commission made a correction to Regulation No. 32. A typographical error has been identified that does not reflect the commission's intended decisions from a past hearing.

The commission corrected the spelling of North Rush Creek, which is included in the description of Lower Arkansas Segment 9b.

**COLORADO DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT
WATER QUALITY CONTROL COMMISSION**

5 CCR 1002-32

**REGULATION NO. 32
CLASSIFICATIONS AND NUMERIC STANDARDS
FOR
ARKANSAS RIVER BASIN**

**APPENDIX 32-1
Stream Classifications and Water Quality Standards Tables**

Effective ~~06/30/2017~~ 01/31/2018

REGULATION #32 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

Lower Arkansas River Basin

9b. Mainstem of Apache Creek from the source to the confluence with the North Rusk Creek. Mainstem of Breckenridge Creek from the source to the confluence with Horse Creek. Mainstem of Little Horse Creek from the source to the confluence with Horse Creek. Mainstem of Bob Creek from the source to Meredith Reservoir. Mainstem of Big Sandy Creek within Prowers County. Mainstem of Rule Creek from the Bent/Las Animas county line to John Martin Reservoir. Mainstem of Muddy Creek from the south boundary of the Setchfield State Wildlife Area to the confluence with Rule Creek. Mainstem of Caddoa Creek from CC Road to the confluence with the Arkansas River. Mainstem of Cat Creek from the source to the confluence with Clay Creek. Mainstem of Mustang Creek from the source to the confluence with Apishapa River. Mainstem of Chicosa Creek from the source to the Arkansas River. Mainstem of Smith Canyon from the Otero/Las Animas county line to the confluence with the Purgatoire River. Mainstem of Mud Creek from V Road to the confluence with the Arkansas River. Mainstems of Frijole Creek and Luning Arroyo from their sources to their confluences with the Purgatoire River. Mainstem of Blackwell Arroyo from its source to the confluence with Luning Arroyo. Mainstem of San Isidro Creek from the source to the confluence with San Francisco Creek.						
COARLA09B	Classifications	Physical and Biological			Metals (ug/L)	
Designation			DM	MWAT	acute	chronic
UP	Agriculture					
	Aq Life Warm 2	Temperature °C	WS-II	WS-II	Aluminum	---
	Recreation E		acute	chronic	Arsenic	340 0.02-10(T)
	Water Supply	D.O. (mg/L)	---	5.0	Beryllium	---
Qualifiers:		pH	6.5 - 9.0	---	Cadmium	TVS TVS
Other:		chlorophyll a (mg/m2)	---	150	Chromium III	50(T) TVS
		E. Coli (per 100 mL)	---	126	Chromium VI	TVS TVS
		Inorganic (mg/L)			Copper	TVS TVS
			acute	chronic	Iron	---
		Ammonia	TVS	TVS	Iron	---
		Boron	---	0.75	Lead	TVS TVS
		Chloride	---	250	Manganese	TVS TVS
		Chlorine	0.019	0.011	Manganese	---
		Cyanide	0.005	---	Mercury	---
		Nitrate	10	---	Molybdenum	---
		Nitrite	---	0.5	Nickel	TVS TVS
		Phosphorus	---	0.17	Selenium	TVS TVS
		Sulfate	---	WS	Silver	TVS TVS
		Sulfide	---	0.002	Uranium	---
					Zinc	TVS TVS

All metals are dissolved unless otherwise noted.
T = total recoverable
t = total
tr = trout

D.O. = dissolved oxygen
DM = daily maximum
MWAT = maximum weekly average temperature
See 32.6 for details on TVS, TVS(tr), WS, temperature standards.

EXHIBIT 3

WATER QUALITY CONTROL DIVISION

DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT

Water Quality Control Commission

REGULATION NO. 36 – CLASSIFICATIONS AND NUMERIC STANDARDS FOR RIO GRANDE BASIN

5 CCR 1002-36

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36.6 TABLES

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(4) Additional Site-Specific Criteria

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(c) Site-specific standards and temporary modifications for Rio Grande Segment 7:

Standards effective through 12/31/2018

Cadmium(acute/chronic)=TVS
Copper(acute/chronic)=TVS
Lead(acute/~~chromium~~chronic)=TVS
Manganese(acute/chronic)=TVS
Silver(acute)=TVS
Zinc(acute/chronic)=TVS

Tier 1 standards effective 1/1/2019 through 12/31/2020

West Willow

Cadmium(acute/chronic)=163 / 21 ug/L
Copper(acute/chronic)=227 / 8.9 ug/L
Lead(acute/~~chromium~~chronic)=1,014 / 104 ug/L
Manganese(acute/chronic)=TVS
Silver(acute)=1.3 ug/L
Zinc(acute/chronic)=24,000 / 5,977 ug/L

Windy Gulch

Cadmium(acute/chronic)=9.1 / 6.3 ug/L
Copper(acute/chronic)=TVS / 5.8 ug/L
Lead(acute/~~chromium~~chronic)=TVS
Manganese(acute/chronic)=TVS
Silver(acute)=TVS
Zinc(acute/chronic)=2,804 / 1,914 ug/L

Willow mainstem

Low flow (August-March):

Cadmium(acute/chronic)=17.5 / 15.4 ug/L
Copper(acute/chronic)=TVS
Lead(acute/~~chromium~~chronic)=TVS / 30 ug/L
Manganese(acute/chronic)=TVS
Silver(acute)=TVS
Zinc(acute/chronic)=4,541 / 3,917 ug/L

High flow (April-July):

Cadmium(acute/chronic)=15.6 / 10.3 ug/L
Copper(acute/chronic)=TVS
Lead(acute/~~chromium~~chronic)=TVS / 22 ug/L
Manganese(acute/chronic)=TVS
Silver(acute)=TVS
Zinc(acute/chronic)=4,190 / 3,009 ug/L

Tier 2 standards effective from 1/1/2021

West Willow

Low flow (August-March):

Cadmium(acute/chronic)=67 / 50 ug/L
Copper(acute/chronic)=17.6 / 15.0 ug/L
Lead(acute/~~chromium~~chronic)=268 / 183 ug/L
Manganese(acute/chronic)=TVS / 1,779 ug/L
Silver(acute)=TVS
Zinc(acute/chronic)=11,873 / 11,022 ug/L

High flow (April-July):

Cadmium(acute/chronic)=32 / 19.2 ug/L
Copper(acute/chronic)=15.0 / 9.4 ug/L
Lead(acute/~~chromium~~chronic)=103 / 47 ug/L
Manganese(acute/chronic)=TVS
Silver(acute)=TVS
Zinc(acute/chronic)=8,772 / 5,611 ug/L

Windy Gulch

Cadmium(acute/chronic)=9.1 / 6.3 ug/L
Copper(acute/chronic)=TVS / 5.8 ug/L
Lead(acute/~~chromium~~chronic)=TVS
Manganese(acute/chronic)=TVS
Silver(acute)=TVS
Zinc(acute/chronic)=2,804 / 1,914 ug/L

Willow mainstem

Low flow (August-March):

Cadmium(acute/chronic)=13.9 / 11.2 ug/L
Copper(acute/chronic)=TVS
Lead(acute/~~chromium~~chronic)=TVS / 18.6 ug/L
Manganese(acute/chronic)=TVS
Silver(acute)=TVS
Zinc(acute/chronic)=2,521 / 1,733 ug/L

High flow (April-July):
Cadmium(acute/chronic)=14.5 / 8.9 ug/L
Copper(acute/chronic)=TVS
Lead(acute/~~chromium~~chronic)=TVS / 13.1 ug/L
Manganese(acute/chronic)=TVS
Silver(acute)=TVS
Zinc(acute/chronic)=3,635 / 2,373 ug/L

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36.40 STATEMENT OF BASIS SPECIFIC STATUTORY AUTHORITY AND PURPOSE; DECEMBER 11, 2017 RULEMAKING; FINAL ACTION DECEMBER 11, 2017; EFFECTIVE DATE JANUARY 31, 2018

The provisions of C.R.S. 25-8-202(1)(a), (b) and (2); 25-8-203; 25-8-204; and 25-8-402; provide the specific statutory authority for adoption of these regulatory amendments. The commission also adopted, in compliance with 24-4-103(4) C.R.S., the following statement of basis and purpose.

BASIS AND PURPOSE

In this hearing, the commission made corrections to Regulation No. 36. Several errors have been identified which do not reflect the commission's intended decisions from recent hearings.

A. Section 36.6(4)(c)

The commission corrected a series of typos in Section 36.6(4)(c). Several of the lead values were erroneously written "acute/chromium"; the commission replaced the word "chromium" with the word "chronic".

B. Alamosa Segment 28

The commission made corrections to the description of Alamosa Segment 28. A typo was corrected and Alamosa Segment 30 was added as an exception.

C. Alamosa Segment 29

The commission made a correction to the description of Alamosa Segment 29. Alamosa Segment 8 was added as an exception.

D. Closed Basin Segment 3

The commission made a correction to the description of Closed Basin Segment 3. Closed Basin Segment 1 was added as an exception.

E. Closed Basin Segment 9a

The commission made corrections to the description of Closed Basin Segment 9a. The extra "tributaries and wetlands" was removed. In addition, the description of the start of the segment was corrected to "a point immediately above the Cocomongo Mill site" instead of "the source".

**COLORADO DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT
WATER QUALITY CONTROL COMMISSION**

5 CCR 1002-36

**REGULATION NO. 36
CLASSIFICATIONS AND NUMERIC STANDARDS
FOR
RIO GRANDE BASIN**

**APPENDIX 36-1
Stream Classifications and Water Quality Standards Tables**

Effective ~~06/30/2017~~ 01/31/2018

REGULATION #36 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

Alamosa River/La Jara Creek/Conejos River Basins

28. All lakes and reservoir tributary to the Alamosa River, La Jara Creek, or Conejos River, and within the boundaries of the Rio Grande National Forest, excluding the specific listings in segments 23 through 27, and 30.

CORGAL28	Classifications	Physical and Biological		Metals (ug/L)	
Designation	Agriculture	DM	MWAT	acute	chronic
Reviewable	Aq Life Cold 1	Temperature °C	CL	CL	CL
	Recreation E	acute	chronic	Arsenic	340
	Water Supply	D.O. (mg/L)	---	6.0	Beryllium
Qualifiers:		D.O. (spawning)	---	7.0	Cadmium
Other:		pH	6.5 - 9.0	---	TVS(tr)
*chlorophyll a (ug/L)(chronic) = applies only to lakes and reservoirs larger than 25 acres surface area. *Phosphorus(chronic) = applies only to lakes and reservoirs larger than 25 acres surface area.		chlorophyll a (ug/L)	---	8*	Chromium III
		E. Coli (per 100 mL)	---	126	Chromium VI
		Inorganic (mg/L)		TVS	TVS
		acute	chronic	Copper	TVS
		Ammonia	TVS	TVS	Iron
		Boron	---	0.75	---
		Chloride	---	250	WS
		Chlorine	0.019	0.011	Lead
		Cyanide	0.005	---	TVS
		Nitrate	10	---	Manganese
		Nitrite	---	0.05	TVS
		Phosphorus	---	0.025*	---
		Sulfate	---	WS	TVS
		Sulfide	---	0.002	TVS
					TVS
					TVS
					TVS
					TVS

29. All lakes and reservoirs tributary to the Alamosa River, La Jara Creek, or Conejos River, excluding the specific listings in segments 8, 23 through 28, and 30.

CORGAL29	Classifications	Physical and Biological		Metals (ug/L)	
Designation	Agriculture	DM	MWAT	acute	chronic
UP	Aq Life Warm 2	Temperature °C	WL	WL	WL
	Recreation E	acute	chronic	Arsenic	340
Qualifiers:		D.O. (mg/L)	---	5.0	Beryllium
Other:		pH	6.5 - 9.0	---	Cadmium
*chlorophyll a (ug/L)(chronic) = applies only to lakes and reservoirs larger than 25 acres surface area. *Phosphorus(chronic) = applies only to lakes and reservoirs larger than 25 acres surface area.		chlorophyll a (ug/L)	---	20*	Chromium III
		E. Coli (per 100 mL)	---	126	Chromium III
		Inorganic (mg/L)		---	100(T)
		acute	chronic	Chromium VI	TVS
		Ammonia	TVS	TVS	Copper
		Boron	---	0.75	TVS
		Chloride	---	---	Iron
		Chlorine	0.019	0.011	---
		Cyanide	0.005	---	1000(T)
		Nitrate	100	---	Lead
		Nitrite	---	0.05	TVS
		Phosphorus	---	0.083*	Manganese
		Sulfate	---	---	TVS
		Sulfide	---	0.002	---
					Mercury

					0.01(T)
					160(T)

All metals are dissolved unless otherwise noted.
 T = total recoverable
 t = total
 tr = trout

D.O. = dissolved oxygen
 DM = daily maximum
 MWAT = maximum weekly average temperature
 See 36.6 for details on TVS, TVS(tr), WS, temperature standards.

REGULATION #36 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

Closed Basin-San Luis Valley River Basin

3. All tributaries to the Closed Basin excluding the listings in segments 1, 2a, 2b, 2c, and 4 through 13.

CORGC03	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture		DM	MWAT		acute	chronic
Reviewable	Aq Life Warm 1	Temperature °C	WS-II	WS-II	Aluminum	---	---
	Recreation E		acute	chronic	Arsenic	340	0.02(T)
	Water Supply	D.O. (mg/L)	---	5.0	Beryllium	---	---
		pH	6.5 - 9.0	---	Cadmium	TVS	TVS
Qualifiers:							
Other:		chlorophyll a (mg/m2)	---	150*	Chromium III	50(T)	TVS
Temporary Modification(s):		E. Coli (per 100 mL)	---	126	Chromium VI	TVS	TVS
Arsenic(chronic) = hybrid		Inorganic (mg/L)			Copper	TVS	TVS
Expiration Date of 12/31/2021			acute	chronic	Iron	---	WS
*chlorophyll a (mg/m2)(chronic) = applies only above the facilities listed at 36.5(4). *Phosphorus(chronic) = applies only above the facilities listed at 36.5(4).		Ammonia	TVS	TVS	Iron	---	1000(T)
		Boron	---	0.75	Lead	TVS	TVS
		Chloride	---	250	Manganese	TVS	TVS
		Chlorine	0.019	0.011	Manganese	---	WS
		Cyanide	0.005	---	Mercury	---	0.01(t)
		Nitrate	10	---	Molybdenum	---	160(T)
		Nitrite	---	0.05	Nickel	TVS	TVS
		Phosphorus	---	0.17*	Selenium	TVS	TVS
		Sulfate	---	WS	Silver	TVS	TVS
		Sulfide	---	0.002	Uranium	---	---
					Zinc	TVS	TVS

9a. Mainstem, ~~tributaries and wetlands~~ of Kerber Creek, including all tributaries and wetlands, from a point immediately above the Cocomongo Mill site the source to immediately above the confluence of Brewery Creek, excluding the specific listings in segment 8.

CORGCB09A	Classifications	Physical and Biological		Metals (ug/L)			
Designation	Agriculture	DM	MWAT	acute	chronic		
UP	Recreation E			Aluminum	---		
	Water Supply	acute	chronic	Arsenic	340 0.02-10(T) ^A		
Qualifiers:		D.O. (mg/L)	---	3.0	Beryllium	---	
Goal Qualifier for Agriculture and Water Supply		pH	6.5 - 9.0	---	Cadmium	5.0(T) ---	
Other:		chlorophyll a (mg/m2)	---	150	Chromium III	50(T) ---	
		E. Coli (per 100 mL)	---	126	Chromium VI	50(T) ---	
		Inorganic (mg/L)		Copper	---	1000(T)	
			acute	chronic	Iron	---	WS
		Ammonia	---	---	Lead	50(T)	---
		Boron	---	0.75	Manganese	---	WS
		Chloride	---	250	Mercury	---	2.0(t)
		Chlorine	---	---	Molybdenum	---	160(T)
		Cyanide	---	---	Nickel	---	---
		Nitrate	10	---	Selenium	---	20(T)
		Nitrite	---	1.0	Silver	---	50(T)
		Phosphorus	---	---	Uranium	---	---
		Sulfate	---	WS	Zinc	---	5000(T)
		Sulfide	---	0.002			

All metals are dissolved unless otherwise noted.
T = total recoverable
t = total
tr = trout

D.O. = dissolved oxygen
DM = daily maximum
MWAT = maximum weekly average temperature
See 36.6 for details on TVS, TVS(tr), WS, temperature standards.

EXHIBIT 4

WATER QUALITY CONTROL DIVISION

DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT

Water Quality Control Commission

REGULATION NO. 38 – CLASSIFICATIONS AND NUMERIC STANDARDS FOR SOUTH PLATTE RIVER BASIN, LARAMIE RIVER BASIN, REPUBLICAN RIVER BASIN, SMOKY HILL RIVER BASIN

5 CCR 1002-38

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38.96 STATEMENT OF BASIS SPECIFIC STATUTORY AUTHORITY AND PURPOSE; DECEMBER 11, 2017 RULEMAKING; FINAL ACTION DECEMBER 11, 2017; EFFECTIVE DATE JANUARY 31, 2018

The provisions of C.R.S. 25-8-202(1)(a), (b) and (2); 25-8-203; 25-8-204; and 25-8-402; provide the specific statutory authority for adoption of these regulatory amendments. The commission also adopted, in compliance with 24-4-103(4) C.R.S., the following statement of basis and purpose.

BASIS AND PURPOSE

In this hearing, the commission made corrections to Regulation No. 38. Several errors have been identified which do not reflect the commission's intended decisions from recent hearings.

A. South Platte Segment 16i

The commission made corrections to the standards applied to Upper South Platte Segment 16i. This segment currently has Agriculture, Aquatic Life Warm 2, and Recreation E uses, and a Fish Ingestion Standards qualifier. However, several Water Supply standards (cadmium, chromium III, lead, and nickel) were erroneously assigned to this segment. Because this segment does not have a Water Supply use, the commission deleted the Water Supply-based standards for cadmium, chromium III, lead, and nickel, and retained the standards to protect Aquatic Life and Agriculture uses. The commission also corrected the chronic arsenic standard. Because this segment has a Fish Ingestion Standards qualifier, the commission replaced the existing Agriculture-based chronic arsenic standard of 100(T) µg/L with the Fish Ingestion-based chronic standard of 7.6(T) µg/L.

B. South Platte Segment 22a

The commission made a correction to the qualifiers on Upper South Platte Segment 22a. The commission replaced the "Fish Ingestion Standards" qualifier with the "Water + Fish Standards" qualifier because this segment has a Water Supply use.

C. Clear Creek Segment 3b

The commission made a correction to the standards applied to Clear Creek Segment 3b. The acute arsenic standard of 50(T) µg/L was intended to be deleted during the 2015 Regulation No. 38 hearing, but

was erroneously retained. The commission deleted the acute arsenic standard of 50(T) µg/L and retained the arsenic standards to protect the Aquatic Life and Water Supply uses.

D. Clear Creek Segments 6 and 21

The commission made a correction to the description of Clear Creek Segment 6. This segment included an exception for Segment 7; this was replaced with Segment 7a.

The commission made a correction to the description of Clear Creek Segment 21. This segment included an exception for Segment 7; this was replaced with Segment 7b.

**COLORADO DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT
WATER QUALITY CONTROL COMMISSION**

5 CCR 1002-38

**REGULATION NO. 38
CLASSIFICATIONS AND NUMERIC STANDARDS
FOR
SOUTH PLATTE RIVER BASIN, LARAMIE RIVER BASIN
REPUBLICAN RIVER BASIN, SMOKY HILL RIVER BASIN**

**APPENDIX 38-1
Stream Classifications and Water Quality Standards Tables**

Effective ~~06/30/2017~~ 01/31/2018

REGULATION #38 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

Upper South Platte River Basin

16i. Mainstem of Sand Creek from the confluence with Toll Gate Creek to the confluence with the South Platte River.						
COSPUS16i	Classifications	Physical and Biological			Metals (ug/L)	
Designation	Agriculture	DM		MWAT	acute	chronic
Reviewable	Aq Life Warm 2	WS-II		WS-II	Aluminum	---
	Recreation E	acute		chronic	Arsenic	340 7.6400(T)
Qualifiers:		D.O. (mg/L)		5.0	Beryllium	---
Fish Ingestion Standards		pH		6.5 - 9.0	Cadmium	TVS
Other:		chlorophyll a (mg/m ²)		150*	Cadmium	5.0(T) ---
*chlorophyll a (mg/m ²)(chronic) = applies only above the facilities listed at 38.5(4). *Phosphorus(chronic) = applies only above the facilities listed at 38.5(4). *Mercury(chronic) = 0.026 below Brighton Blvd, see section 38.6(4)(f) for mercury assessment locations *Selenium(acute) = See section 38.6(4)(f) for selenium standards and assessment locations. *Selenium(chronic) = See section 38.6(4)(f) for selenium standards and assessment locations. Discharger Specific Variance(s): Selenium (acute) = TVS; no limit Selenium (chronic) = 9: 24 µg/L Expiration Date of 12/31/2023 Variance: Selenium = see 38.6(6) for details.		E. Coli (per 100 mL)		126	Chromium III	10050(T) TVS
		Inorganic (mg/L)			Chromium VI	TVS
		acute		chronic	Copper	TVS
		Ammonia		TVS	Iron	---
		Boron		0.75	Lead	TVS
		Chloride		---	Lead	50(T) ---
		Chlorine		0.019	Manganese	TVS
		Cyanide		0.005	Mercury	---
		Nitrate		10	Mercury	0.01(t)
		Nitrite		0.5	Molybdenum	---
		Phosphorus		0.17*	Nickel	TVS
		Sulfate		---	Nickel	--- 100(T)
		Sulfide		0.002	Selenium	---
					Selenium	varies*
					Silver	TVS
					Uranium	---
					Zinc	TVS

All metals are dissolved unless otherwise noted.
 T = total recoverable
 t = total
 tr = trout

D.O. = dissolved oxygen
 DM = daily maximum
 MWAT = maximum weekly average temperature
 See 38.6 for details on TVS, TVS(tr), WS, temperature standards.

REGULATION #38 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

Upper South Platte River Basin

22a. Lakes and reservoirs in watersheds tributary to the South Platte River from the outlet of Chatfield Reservoir to a point immediately below the confluence with Big Dry Creek, except for specific listings in the subbasins of the South Platte River, and in Segments 16b, 17a, 17b, 17c, 22b, and 23.						
COSPUS22A	Classifications	Physical and Biological			Metals (ug/L)	
Designation		DM	MWAT		acute	chronic
Reviewable	Agriculture					
	Aq Life Warm 2	Temperature °C	WL	WL	Aluminum	---
	Recreation E		acute	chronic	Arsenic	340
	Water Supply	D.O. (mg/L)	---	5.0	Beryllium	---
	DUWS*	pH	6.5 - 9.0	---	Cadmium	TVS
Qualifiers:		chlorophyll a (ug/L)	---	---	Cadmium	5.0(T)
Water + Fish Ingestion Standards		E. Coli (per 100 mL)	---	126	Chromium III	50(T)
Other:		Inorganic (mg/L)		Chromium VI	TVS	TVS
Temporary Modification(s):			acute	chronic	Copper	TVS
Arsenic(chronic) = hybrid		Ammonia	TVS	TVS	Iron	---
Expiration Date of 12/31/2021		Boron	---	0.75	Iron	1000(T)
*Classification: DUWS applies to McLellan and Quincy only.		Chloride	---	250	Lead	TVS
*Molybdenum(chronic) = 210 ug/L for McLellan Reservoir		Chlorine	0.019	0.011	Lead	50(T)
		Cyanide	0.005	---	Manganese	TVS
		Nitrate	10	---	Manganese	---
		Nitrite	---	0.5	Mercury	---
		Phosphorus	---	---	Molybdenum	---
		Sulfate	---	WS	Molybdenum	210(T)*
		Sulfide	---	0.002	Nickel	TVS
					Nickel	---
					Selenium	TVS
					Silver	TVS
					Uranium	---
					Zinc	TVS

All metals are dissolved unless otherwise noted.
T = total recoverable
t = total
tr = trout

D.O. = dissolved oxygen
DM = daily maximum
MWAT = maximum weekly average temperature
See 38.6 for details on TVS, TVS(tr), WS, temperature standards.

REGULATION #38 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

Clear Creek Basin

3b. Mainstem of Leavenworth Creek from source to confluence with South Clear Creek.

COSPCL03B	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture	DM	MWAT		acute	chronic	
Reviewable*	Aq Life Cold 2	Temperature °C	CS-I	CS-I	Aluminum	---	---
	Recreation E	acute	chronic		Arsenic	340	0.02-10(T) ^A
	Water Supply	D.O. (mg/L)	---	6.0	Arsenic	50(T)	---
Qualifiers:		D.O. (spawning)	---	7.0	Beryllium	---	---
Other:		pH	6.5 - 9.0	---	Cadmium	TVS(tr)	TVS
		chlorophyll a (mg/m2)	---	150	Cadmium	5.0(T)	---
		E. Coli (per 100 mL)	---	126	Chromium III	50(T)	TVS
					Chromium VI	TVS	TVS
		Inorganic (mg/L)			Copper	TVS	TVS
		acute	chronic		Iron	---	WS
		Ammonia	TVS	TVS	Iron	---	1000(T)
		Boron	---	0.75	Lead	TVS	TVS
		Chloride	---	250	Lead	50(T)	---
		Chlorine	0.019	0.011	Manganese	TVS	TVS
		Cyanide	0.005	---	Manganese	---	WS
		Nitrate	10	---	Mercury	---	0.01(t)
		Nitrite	---	0.05	Molybdenum	---	150(T)
		Phosphorus	---	0.11	Nickel	TVS	TVS
		Sulfate	---	WS	Nickel	---	100(T)
		Sulfide	---	0.002	Selenium	TVS	TVS
					Silver	TVS	TVS(tr)
					Uranium	---	---
					Zinc	---	SSE*
					Zinc	SSE*	---

*Designation: 9/30/00 Baseline does not apply

*Zinc(acute) = $0.978e^{(0.8537[\ln(\text{hardness})]+1.9467)}$

*Zinc(chronic) =

$0.986e^{(0.8537[\ln(\text{hardness})]+1.8032)}$

6. All tributaries to West Fork Clear Creek, including all wetlands, from the source to the confluence with Clear Creek, except for specific listings in Segments 7a and 8.

COSPCL06	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture	DM	MWAT		acute	chronic	
Reviewable*	Aq Life Cold 1	Temperature °C	CS-I	CS-I	Aluminum	---	---
	Recreation E	acute	chronic		Arsenic	340	0.02(T)
	Water Supply	D.O. (mg/L)	---	6.0	Beryllium	---	---
Qualifiers:		D.O. (spawning)	---	7.0	Cadmium	TVS(tr)	TVS
Other:		pH	6.5 - 9.0	---	Cadmium	5.0(T)	---
		chlorophyll a (mg/m2)	---	150	Chromium III	50(T)	TVS
		E. Coli (per 100 mL)	---	126	Chromium VI	TVS	TVS
					Copper	TVS	TVS
		Inorganic (mg/L)			Iron	---	WS
		acute	chronic		Iron	---	1000(T)
		Ammonia	TVS	TVS	Lead	TVS	TVS
		Boron	---	0.75	Lead	50(T)	---
		Chloride	---	250	Manganese	TVS	TVS
		Chlorine	0.019	0.011	Manganese	---	WS
		Cyanide	0.005	---	Mercury	---	0.01(t)
		Nitrate	10	---	Molybdenum	---	150(T)
		Nitrite	---	0.05	Nickel	TVS	TVS
		Phosphorus	---	0.11	Nickel	---	100(T)
		Sulfate	---	WS	Selenium	TVS	TVS
		Sulfide	---	0.002	Silver	TVS	TVS(tr)
					Uranium	---	---
					Zinc	TVS	TVS

Temporary Modification(s):

Arsenic(chronic) = hybrid

Expiration Date of 12/31/2021

*Designation: 9/30/00 Baseline does not apply

All metals are dissolved unless otherwise noted.

T = total recoverable

t = total

tr = trout

D.O. = dissolved oxygen

DM = daily maximum

MWAT = maximum weekly average temperature

See 38.6 for details on TVS, TVS(tr), WS, temperature standards.

REGULATION #38 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

Clear Creek Basin

21. Lakes and reservoirs in the Clear Creek system from sources to the Farmer's Highline Canal diversion in Golden, CO, except as specified in Segments 7b, 20, 22 and 25. Upper Long Lake.

COSPCL21	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture	DM	MWAT	acute		chronic	
Reviewable*	Aq Life Cold 1	Temperature °C	CL	CL	Aluminum	---	---
	Recreation E	acute	chronic	Arsenic	340	0.02(T)	
	Water Supply	D.O. (mg/L)	---	6.0	Beryllium	---	---
Qualifiers:		D.O. (spawning)	---	7.0	Cadmium	TVS(tr)	TVS
Other: Temporary Modification(s): Arsenic(chronic) = hybrid Expiration Date of 12/31/2021 *chlorophyll a (ug/L)(chronic) = applies only to lakes and reservoirs larger than 25 acres surface area. *Designation: 9/30/00 Baseline does not apply *Phosphorus(chronic) = applies only to lakes and reservoirs larger than 25 acres surface area.		pH	6.5 - 9.0	---	Cadmium	5.0(T)	---
		chlorophyll a (ug/L)	---	8*	Chromium III	50(T)	TVS
		E. Coli (per 100 mL)	---	126	Chromium VI	TVS	TVS
					Copper	TVS	TVS
		Inorganic (mg/L)			Iron	---	WS
					Iron	---	1000(T)
		Ammonia	TVS	TVS	Lead	TVS	TVS
		Boron	---	0.75	Lead	50(T)	---
		Chloride	---	250	Manganese	TVS	TVS
		Chlorine	0.019	0.011	Manganese	---	WS
		Cyanide	0.005	---	Mercury	---	0.01(t)
		Nitrate	10	---	Molybdenum	---	150(T)
		Nitrite	---	0.05	Nickel	TVS	TVS
		Phosphorus	---	0.025*	Nickel	---	100(T)
		Sulfate	---	WS	Selenium	TVS	TVS
		Sulfide	---	0.002	Silver	TVS	TVS(tr)
					Uranium	---	---
			Zinc	TVS	TVS		

All metals are dissolved unless otherwise noted.

T = total recoverable

t = total

tr = trout

D.O. = dissolved oxygen

DM = daily maximum

MWAT = maximum weekly average temperature

See 38.6 for details on TVS, TVS(tr), WS, temperature standards.

Notice of Proposed Rulemaking

Tracking number

2017-00353

Department

1000 - Department of Public Health and Environment

Agency

1002 - Water Quality Control Commission (1002 Series)

CCR number

5 CCR 1002-36

Rule title

REGULATION NO. 36 - CLASSIFICATIONS AND NUMERIC STANDARDS FOR RIO GRANDE BASIN

Rulemaking Hearing**Date**

12/11/2017

Time

12:00 PM

Location

Sabin Conference Room, CDPHE, 4300 Cherry Creek Drive South, Denver, CO 80246

Subjects and issues involved

new temporary modifications and revisions to current temporary modifications of water quality standards expiring on or before December 31, 2019, and new site specific standards that allow for the deletion of current temporary modifications expiring on or before December 31, 2019

Statutory authority

sections 25-8-202(1)(a), (b), and (2); 25-8-203; 25-8-204; and 25-8-402, C.R.S.

Contact information**Name**

Blake Beyea

Title

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COLORADO

Water Quality
Control Commission

Department of Public Health & Environment

NOTICE OF PUBLIC RULEMAKING HEARING BEFORE THE COLORADO WATER QUALITY CONTROL COMMISSION

SUBJECT:

For consideration of the adoption of new temporary modifications and revisions to current temporary modifications of water quality standards expiring on or before December 31, 2019, and new site specific standards that allow for the deletion of current temporary modifications expiring on or before December 31, 2019, for multiple segments in the Classifications and Numeric Standards for:

- Arkansas River Basin, Regulation #32 (5 CCR 1002-32);
- Upper Colorado River Basin and North Platte River, Regulation #33 (5 CCR 1002-33);
- Rio Grande Basin, Regulation #36 (5 CCR 1002-36);
- Lower Colorado River Basin, Regulation #37 (5 CCR 1002-37); and
- South Platte River Basin, Laramie River Basin, Republican River Basin, Smoky Hill River Basin, Regulation #38 (5 CCR 1002-38).

Proposed revisions and proposed Statements of Basis, Specific Statutory Authority and Purpose have been submitted by the following:

- Exhibit 1 - Regulation #32, Water Quality Control Division (division);
- Exhibit 2 - Regulation #33, division;
- Exhibit 3 - Regulation #36, division;
- Exhibit 4 - Regulation #37, division;
- Exhibit 5 - Regulation #38, division;
- Exhibit 6 - Regulation #33, Peabody Sage Creek Mining Company and Seneca Coal Company (Peabody_Seneca); and
- Exhibit 7 - Regulation #37, Tri-State Generation and Transmission Association, Inc. (Tri-State).

In these attachments, proposed new language is shown with double-underlining and proposed deletions are shown with ~~strikeouts~~. Any alternative proposals related to proposed new temporary modifications or current temporary modifications identified in Exhibits 1 through 7, with expiration dates on or before December 31, 2019, will also be considered.

SCHEDULE OF IMPORTANT DATES

Proponent's prehearing statement due	09/27/2017 5 pm	Additional information below.
Party status requests due	10/04/2017 5 pm	Additional information below.
Responsive prehearing statements due	10/27/2017 5 pm	Additional information below.

Rebuttal statements due	11/22/2017 5 pm	Additional information below.
Last date for submittal of motions	11/27/2017 5 pm	Additional information below.
Notify commission office if participating in prehearing conference by phone	11/27/2017 by noon	Send email to cdphe.wqcc@state.co.us with participant(s) name(s)
Prehearing Conference (mandatory for parties)	11/28/2017 2:00 pm	Florence Sabin Conference Room Department of Public Health and Environment 4300 Cherry Creek Drive South Denver, CO 80246 Call-in: 1-857-216-6700, Code: 425132
Rulemaking Hearing	12/11/2017 12:00 pm	Florence Sabin Conference Room Department of Public Health and Environment 4300 Cherry Creek Drive South Denver, CO 80246

HEARING SUBMITTALS:

For this hearing, the commission will receive all submittals electronically. Submittals must be provided as PDF documents, except for raw data exhibits which may be provided as Excel workbooks. Submittals may be emailed to cdphe.wqcc@state.co.us, provided via an FTP site, CD or flash drive, or otherwise conveyed to the commission office so as to be received no later than the specified date.

PARTY STATUS:

Party status requests must be in writing and must provide:

- the organization's name,
- one contact person,
- a mailing address,
- a phone number, and
- email addresses of all individuals associated with the party who wish to be notified when new submittals are available on the commission's website for review.

In accordance with section 25-8-104(2)(d), C.R.S., any person who believes that the actions proposed in this notice have the potential to cause material injury to his or her water rights is requested to so indicate, along with an explanation of the alleged harm, in their party status request.

PREHEARING AND REBUTTAL STATEMENTS:

Each party must submit a prehearing statement: parties that have proposed revisions attached as exhibits to the notice must submit a proponent's prehearing statement. All other parties must submit a responsive prehearing statement. Proponents may also submit responsive prehearing statements when there are multiple proposals attached to the notice.

Each prehearing and rebuttal statement must be provided as a separate PDF document from any accompanying written testimony or exhibits.

Following the rebuttal statement due date, no other written materials will be accepted from parties except for good cause shown.

Oral testimony at the hearing should primarily summarize written material previously submitted. The hearing will emphasize commission questioning of parties and other interested persons about their written prehearing submittals. Introduction of written material at the hearing by those with party status will not be permitted unless authorized by the commission.

PREHEARING CONFERENCE:

Attendance at the prehearing conference is mandatory for all persons requesting party status. Parties needing to participate by telephone are encouraged to notify the commission office prior to the prehearing conference. Remote participants can call 1-857-216-6700 and enter the conference code 425132.

Following the cut-off date for motions, no motions will be accepted, except for good cause shown.

PUBLIC PARTICIPATION ENCOURAGED:

The commission encourages input from non-parties, either orally at the hearing or in writing prior to the hearing. Written submissions should be emailed to cdphe.wgccc@state.co.us by November 29, 2017.

SPECIFIC STATUTORY AUTHORITY:

The provisions of sections 25-8-202(1)(a), (b), and (2); 25-8-203; 25-8-204; and 25-8-402, C.R.S., provide the specific statutory authority for consideration of the regulatory amendments proposed by this notice. Should the commission adopt the regulatory language as proposed in this notice or alternative amendments, it will also adopt, in compliance with section 24-4-103(4) C.R.S., an appropriate Statement of Basis, Specific Statutory Authority, and Purpose.

Dated this 8th day of August, 2017 at Denver, Colorado.

WATER QUALITY CONTROL COMMISSION



Digitally signed by Trisha Oeth
DN: cn=Trisha Oeth, o, ou=Water
Quality Control Commission,
email=trisha.oeth@state.co.us, c=US
Date: 2017.08.08 08:32:03 -06'00'

Trisha Oeth, Administrator

EXHIBIT 1
WATER QUALITY CONTROL DIVISION

COLORADO DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT
WATER QUALITY CONTROL COMMISSION

5 CCR 1002-32

REGULATION NO. 32
CLASSIFICATIONS AND NUMERIC STANDARDS
FOR
ARKANSAS RIVER BASIN

....

32.60 STATEMENT OF BASIS, SPECIFIC STATUTORY AUTHORITY AND PURPOSE; DECEMBER 11, 2017 RULEMAKING; FINAL ACTION JANUARY 8, 2018; EFFECTIVE DATE JUNE 30, 2018

The provisions of C.R.S. 25-8-202(1)(a), (b) and (2); 25-8-203; 25-8-204; and 25-8-402; provide the specific statutory authority for adoption of these regulatory amendments. The commission also adopted in compliance with 24-4-103(4) C.R.S. the following statement of basis and purpose.

BASIS AND PURPOSE

Pursuant to the requirements in the Basic Standards (at 31.7(3)), the commission reviewed the status of temporary modifications scheduled to expire before December 31, 2019 to determine whether the temporary modification should be modified, eliminated, or extended.

No action: The commission took no action on the temporary modifications on the following segments:

Upper Arkansas Segment 8b: temporary modifications of the temperature, cadmium, and zinc standards. The commission took no action on the temporary modification of the temperature standard. This temporary modification was deleted from the table because it expires 12/31/2017. For the temporary modifications of the cadmium and zinc standards (expire 12/31/2018), the commission took no action. Resurrection Mining Company presented evidence that they are making progress on the plan for eliminating the need for the temporary modifications. The commission made no change to the expiration date as the original time allotment was deemed adequate to resolve the uncertainty.

Middle Arkansas Segment 4b: temporary modifications of the ammonia, arsenic, boron, cadmium, chlorine, chlorophyll a, chromium III, chromium VI, copper, cyanide, D.O., E. coli, iron, lead, manganese, mercury, molybdenum, nickel, nitrate, nitrite, pH, phosphorus, selenium, silver, sulfide, and zinc standards (expire 12/31/2018). EVRAZ presented evidence that they are making progress on the plan for eliminating the need for the temporary modifications. The commission made no change to the expiration date as the original time allotment was deemed adequate to resolve the uncertainty.

Middle Arkansas Segment 6b: temporary modification of the temperature standard (expires 12/31/2018). Public Service Company of Colorado presented evidence that they are making

progress on the plan for eliminating the need for the temporary modifications. The commission made no change to the expiration date as the original time allotment was deemed adequate to resolve the uncertainty.

Lower Arkansas Segment 1a: temporary modifications of the selenium and sulfate standards (expire 12/31/2018). The City of Pueblo is making progress on its plans to seek a discharger specific variance (DSV). The commission made no change to the expiration date as the original time allotment was deemed adequate to resolve the uncertainty.

**COLORADO DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT
WATER QUALITY CONTROL COMMISSION**

5 CCR 1002-32

**REGULATION NO. 32
CLASSIFICATIONS AND NUMERIC STANDARDS
FOR
ARKANSAS RIVER BASIN**

**APPENDIX 32-1
Stream Classifications and Water Quality Standards Tables**

Effective ~~06/30/2017~~ 06/30/2018

REGULATION #32 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

Upper Arkansas River Basin

8b. Mainstem of Iowa Gulch from a point immediately below the historic upper ASARCO water supply intake at 39.224327, -106.223432 to a point immediately below the headgate of the Paddock #1 Ditch (Iowa Ditch).						
COARUA08B	Classifications	Physical and Biological			Metals (ug/L)	
Designation	Agriculture	DM		MWAT	acute	chronic
UP	Aq Life Cold 2	Temperature °C	CS-II	CS-II	Aluminum	---
	Recreation E	acute	chronic		Arsenic	340
Qualifiers:		D.O. (mg/L)	---	6.0	Beryllium	---
Other:		D.O. (spawning)	---	7.0	Cadmium	SSE*
Temporary Modification(s):		pH	6.5 - 9.0	---	Chromium III	TVS
Cadmium(chronic) = 1.6		chlorophyll a (mg/m2)	---	150	Chromium III	---
Zinc(acute) = 754		E. Coli (per 100 mL)	---	126	Chromium VI	TVS
Zinc(chronic) = 505		Inorganic (mg/L)			Copper	TVS
Expiration Date of 12/31/2018		acute		chronic	Iron	---
temperature(DM) = No-acute-standard		TVS		TVS	Lead	TVS
temperature(MWAT) = 14		---		0.75	Manganese	TVS
Expiration Date of 12/31/2017		---		---	Mercury	---
*Cadmium(acute) = (1.136672-		0.019		0.011	Molybdenum	---
[ln(hardness)*0.041838]*e^(0.9789*ln(hardness)-		---		---	Nickel	TVS
3.5146)		---		---	Selenium	TVS
		100		---	Silver	TVS
		---		0.05	Uranium	---
		---		0.11	Zinc	TVS
		---		---		TVS
		---		0.002		

All metals are dissolved unless otherwise noted.
T = total recoverable
t = total
tr = trout

D.O. = dissolved oxygen
DM = daily maximum
MWAT = maximum weekly average temperature
See 32.6 for details on TVS, TVS(tr), WS, temperature standards.

REGULATION #32 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

Middle Arkansas River Basin

4b. Mainstem of Rock Creek, Salt Creek and Peck Creek from their sources to the confluence with the Arkansas River.						
COARMA04B Classifications		Physical and Biological			Metals (ug/L)	
Designation			DM	MWAT	acute	chronic
UP	Agriculture					
	Aq Life Warm 1	Temperature °C	WS-II	WS-II	Aluminum	---
	Recreation E		acute	chronic	Arsenic	340 7.6(T)
Qualifiers:		D.O. (mg/L)	---	5.0	Beryllium	---
Other:		pH	6.5 - 9.0	---	Cadmium	TVS TVS
Temporary Modification(s):		chlorophyll a (mg/m2)	---	150	Chromium III	TVS TVS
Ammonia(ac/ch) = current conditions		E. Coli (per 100 mL)	---	126	Chromium III	---
Arsenic(ac/ch) = current conditions		Inorganic (mg/L)			Chromium VI	TVS TVS
Boron(chronic) = current conditions			acute	chronic	Copper	TVS TVS
Cadmium(ac/ch) = current conditions		Ammonia	TVS	TVS	Iron	---
Chlorine(ac/ch) = current conditions		Boron	---	0.75	Lead	TVS TVS
chlorophyll a (mg/m2)(chronic) = current conditions		Chloride	---	---	Manganese	TVS TVS
Chromium III(chronic) = current conditions		Chlorine	0.019	0.011	Mercury	---
Chromium III(ac/ch) = current conditions		Cyanide	0.005	---	Molybdenum	---
Chromium VI(ac/ch) = current conditions		Nitrate	100	---	Nickel	TVS TVS
Copper(ac/ch) = current conditions		Nitrite	---	0.05	Selenium	TVS TVS
Cyanide(acute) = current conditions		Phosphorus	---	0.17	Silver	TVS TVS
D.O. (mg/L)(chronic) = current conditions		Sulfate	---	---	Uranium	---
E. Coli (per 100 mL)(chronic) = current conditions		Sulfide	---	0.002	Zinc	TVS TVS
Iron(chronic) = current conditions						
Lead(ac/ch) = current conditions						
Manganese(ac/ch) = current conditions						
Mercury(chronic) = current conditions						
Molybdenum(chronic) = current conditions						
Nickel(ac/ch) = current conditions						
Nitrate(acute) = current conditions						
Nitrite(chronic) = current conditions						
pH(acute) = current conditions						
Phosphorus(chronic) = current conditions						
Selenium(ac/ch) = current conditions						
Silver(ac/ch) = current conditions						
Sulfide(chronic) = current conditions						
Zinc(ac/ch) = current conditions						
Expiration Date of 12/31/2018						

All metals are dissolved unless otherwise noted.
T = total recoverable
t = total
tr = trout

D.O. = dissolved oxygen
DM = daily maximum
MWAT = maximum weekly average temperature
See 32.6 for details on TVS, TVS(tr), WS, temperature standards.

REGULATION #32 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

Middle Arkansas River Basin

6b. Mainstem of the Saint Charles River from the confluence with Edson Arroyo to the confluence with the Arkansas River.						
OARMA06B	Classifications	Physical and Biological			Metals (ug/L)	
Designation			DM	MWAT	acute	chronic
UP	Agriculture					
	Aq Life Warm 2	Temperature °C	WS-II	WS-II	Aluminum	---
	Recreation E		acute	chronic	Arsenic	340 0.02-10(T) ^A
	Water Supply	D.O. (mg/L)	---	5.0	Beryllium	---
Qualifiers:		pH	6.5 - 9.0	---	Cadmium	TVS
Other: Temporary Modification(s): temperature(DM/MWAT) = "current conditions" Expiration Date of 12/31/2018 *Selenium(acute) = See selenium assessment location at 32.6(4). *Selenium(chronic) = See selenium assessment location at 32.6(4).		chlorophyll a (mg/m2)	---	---	Chromium III	50(T) TVS
		E. Coli (per 100 mL)	---	126	Chromium VI	TVS
		Inorganic (mg/L)			Copper	TVS
			acute	chronic	Iron	---
		Ammonia	TVS	TVS	Iron	1000(T)
		Boron	---	0.75	Lead	TVS
		Chloride	---	250	Manganese	TVS
		Chlorine	---	0.011	Manganese	---
		Cyanide	0.005	---	Mercury	0.01(t)
		Nitrate	10	---	Molybdenum	---
		Nitrite	---	0.05	Nickel	TVS
		Phosphorus	---	---	Selenium	173* 50*
		Sulfate	---	WS	Silver	TVS
		Sulfide	---	0.002	Uranium	---
					Zinc	TVS

All metals are dissolved unless otherwise noted.
 T = total recoverable
 t = total
 tr = trout

D.O. = dissolved oxygen
 DM = daily maximum
 MWAT = maximum weekly average temperature
 See 32.6 for details on TVS, TVS(tr), WS, temperature standards.

REGULATION #32 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

Lower Arkansas River Basin

1a. Mainstem of the Arkansas River from a point immediately above the confluence with Fountain Creek to immediately above the Colorado Canal headgate near Avondale.							
COARLA01A	Classifications	Physical and Biological				Metals (ug/L)	
Designation			DM	MWAT		acute	chronic
UP	Agriculture						
	Aq Life Warm 2	Temperature °C	1/1 - 11/30	WS-II	WS-II	Aluminum	---
	Recreation E	Temperature °C	12/1 - 12/31	21.5	20.7	Arsenic	340
	Water Supply					Beryllium	0.02-10(T) ^A
Qualifiers:			acute	chronic			
Other:							
Temporary Modification(s):		D.O. (mg/L)	---	5.0		Cadmium	TVS
Selenium(ac/ch) = existing quality		pH	6.5 - 9.0	---		Chromium III	50(T)
Sulfate(chronic) = existing quality		chlorophyll a (mg/m2)	---	---		Chromium VI	TVS
Expiration Date of 12/31/2018		E. Coli (per 100 mL)	---	126		Copper	TVS
		Inorganic (mg/L)				Iron	---
			acute	chronic		Iron	2800(T)
		Ammonia	TVS	TVS		Lead	TVS
		Boron	---	0.75		Manganese	TVS
		Chloride	---	250		Manganese	---
		Chlorine	0.019	0.011		Mercury	0.01(t)
		Cyanide	0.005	---		Molybdenum	---
		Nitrate	10	---		Nickel	160(T)
		Nitrite	---	0.5		Selenium	TVS
		Phosphorus	---	---		Silver	19.1
		Sulfate	---	329		Uranium	14.1
		Sulfide	---	0.002		Zinc	TVS

All metals are dissolved unless otherwise noted.
T = total recoverable
t = total
tr = trout

D.O. = dissolved oxygen
DM = daily maximum
MWAT = maximum weekly average temperature
See 32.6 for details on TVS, TVS(tr), WS, temperature standards.

EXHIBIT 2
WATER QUALITY CONTROL DIVISION

COLORADO DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT
WATER QUALITY CONTROL COMMISSION

5 CCR 1002-33

REGULATION NO. 33
CLASSIFICATIONS AND NUMERIC STANDARDS
FOR
UPPER COLORADO RIVER BASIN AND
NORTH PLATTE RIVER (PLANNING REGION 12)

....

33.60 STATEMENT OF BASIS, SPECIFIC STATUTORY AUTHORITY AND PURPOSE; DECEMBER 11, 2017 RULEMAKING; FINAL ACTION JANUARY 8, 2018; EFFECTIVE DATE JUNE 30, 2018

The provisions of C.R.S. 25-8-202(1)(a), (b) and (2); 25-8-203; 25-8-204; and 25-8-402; provide the specific statutory authority for adoption of these regulatory amendments. The commission also adopted in compliance with 24-4-103(4) C.R.S. the following statement of basis and purpose.

BASIS AND PURPOSE

Pursuant to the requirements in the Basic Standards (at 31.7(3)), the commission reviewed the status of temporary modifications scheduled to expire before December 31, 2019 to determine whether the temporary modification should be modified, eliminated, or extended.

No action: The commission took no action on the temporary modifications on the following segments:

Blue River Segment 14: temporary modification of the molybdenum standard (expires 12/31/2017). The commission took no action on this temporary modification.

Yampa River Segments 13b, 13d, 13e, 13g, 13i: temporary modifications of the selenium (13b, 13d, 13e, 13g, 13i) and iron (13d, 13i) standards (expire 12/31/2018). Seneca-Peabody presented evidence that it is making progress on the plan for eliminating the need for the temporary modifications. The commission made no change to the expiration date of the temporary modifications on these segments as the original time allotment was deemed adequate to resolve the uncertainty.

New temporary modifications of the arsenic standard:

Consistent with the actions taken in 2013, the commission adopted a temporary modification of the arsenic standard on segments on the following list, with an expiration date of 12/31/2021. At the April 8, 2013 rulemaking, the commission heard testimony that concurred with the finding from a December 13, 2011 rulemaking hearing that an initial reasonable lower limit of treatment technology for arsenic is 3.0 µg/L, pending further investigation by the division, dischargers and stakeholders. The temporary modification was established by the commission to allow for a

temporarily less stringent application of the chronic arsenic standard in control requirements for both existing discharges and new or increased discharges.

Upper Colorado Segment 2
Blue River Segment 2a
Roaring Fork Segment 12
Yampa River Segment 2a

**COLORADO DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT
WATER QUALITY CONTROL COMMISSION**

5 CCR 1002-33

**REGULATION NO. 33
CLASSIFICATIONS AND NUMERIC STANDARDS
FOR
UPPER COLORADO RIVER BASIN AND
NORTH PLATTE RIVER (PLANNING REGION 12)**

**APPENDIX 33-1
Stream Classifications and Water Quality Standards Tables**

Effective 06/30/~~2017~~2018

REGULATION #33 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

Upper Colorado River Basin

2. Mainstem of the Colorado River, including all tributaries and wetlands within, or flowing into Arapahoe National Recreation Area.							
COUCUC02	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture		DM	MWAT	acute	chronic	
Reviewable	Aq Life Cold 1	Temperature °C	CS-I	CS-I	Aluminum	---	---
	Recreation E		acute	chronic	Arsenic	340	0.02(T)
	Water Supply	D.O. (mg/L)	---	6.0	Beryllium	---	---
Qualifiers:		D.O. (spawning)	---	7.0	Cadmium	TVS(tr)	TVS
Other:		pH	6.5 - 9.0	---	Chromium III	50(T)	TVS
<u>Temporary Modification(s):</u>		chlorophyll a (mg/m2)	---	150	Chromium VI	TVS	TVS
<u>Arsenic(chronic) = hybrid</u>		E. Coli (per 100 mL)	---	126	Copper	TVS	TVS
<u>Expiration Date of 12/31/2021</u>					Iron	---	WS
		Inorganic (mg/L)			Iron	---	1000(T)
			acute	chronic	Lead	TVS	TVS
		Ammonia	TVS	TVS	Manganese	TVS	TVS
		Boron	---	0.75	Manganese	---	WS
		Chloride	---	250	Mercury	---	0.01(t)
		Chlorine	0.019	0.011	Molybdenum	---	160(T)
		Cyanide	0.005	---	Nickel	TVS	TVS
		Nitrate	10	---	Selenium	TVS	TVS
		Nitrite	---	0.05	Silver	TVS	TVS(tr)
		Phosphorus	---	0.11	Uranium	---	---
		Sulfate	---	WS	Zinc	TVS	TVS
		Sulfide	---	0.002	Zinc	---	TVS(sc)

All metals are dissolved unless otherwise noted.
T = total recoverable
t = total
tr = trout
sc = sculpin

D.O. = dissolved oxygen
DM = daily maximum
MWAT = maximum weekly average temperature
See 33.6 for details on TVS, TVS(tr), TVS(sc), WS, temperature standards.

REGULATION #33 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

Blue River Basin

2a. Mainstem of the Blue River from the confluence with French Gulch to a point one half mile below Summit County Road 3.							
COUCBL02A		Classifications		Physical and Biological		Metals (ug/L)	
Designation	Agriculture		DM	MWAT		acute	chronic
UP	Aq Life Cold 1	Temperature °C	CS-I	CS-I	Aluminum	---	---
	Recreation E		acute	chronic	Arsenic	340	0.02(T)
	Water Supply	D.O. (mg/L)	---	6.0	Beryllium	---	---
Qualifiers:		D.O. (spawning)	---	7.0	Cadmium	4	4
Other:		pH	6.5 - 9.0	---	Chromium III	50(T)	TVS
Temporary Modification(s):		chlorophyll a (mg/m2)	---	150*	Chromium VI	TVS	TVS
Arsenic(chronic) = hybrid		E. Coli (per 100 mL)	---	126	Copper	TVS	TVS
Expiration Date of 12/31/2021					Iron	---	WS
		Inorganic (mg/L)			Iron	---	1000(T)
			acute	chronic	Lead	TVS	TVS
		Ammonia	TVS	TVS	Manganese	TVS	TVS
		Boron	---	0.75	Manganese	---	WS
		Chloride	---	250	Mercury	---	0.01(t)
		Chlorine	0.019	0.011	Molybdenum	---	160(T)
		Cyanide	0.005	---	Nickel	TVS	TVS
		Nitrate	10	---	Selenium	TVS	TVS
		Nitrite	---	0.05	Silver	TVS	TVS(tr)
		Phosphorus	---	0.11*	Uranium	---	---
		Sulfate	---	WS	Zinc	SSE*	SSE*
		Sulfide	---	0.002			

14. Mainstem of Tennile Creek, including all tributaries and wetlands from a point immediately above the confluence with West Tennile Creek to Dillon Reservoir, except for the specific listing in Segment 16.							
COUCBL14		Classifications		Physical and Biological		Metals (ug/L)	
Designation	Agriculture		DM	MWAT		acute	chronic
Reviewable	Aq Life Cold 1	Temperature °C	CS-I	CS-I	Aluminum	---	---
	Recreation E		acute	chronic	Arsenic	340	0.02(T)
	Water Supply	D.O. (mg/L)	---	6.0	Beryllium	---	---
Qualifiers:		D.O. (spawning)	---	7.0	Cadmium	TVS(tr)	TVS
Other:		pH	6.5 - 9.0	---	Chromium III	50(T)	TVS
Temporary Modification(s):		chlorophyll a (mg/m2)	---	150*	Chromium VI	TVS	TVS
Arsenic(chronic) = hybrid		E. Coli (per 100 mL)	---	126	Copper	TVS	TVS
Expiration Date of 12/31/2021					Iron	---	WS
Molybdenum(chronic) = current conditions		Inorganic (mg/L)			Iron	---	1000(T)
Expiration Date of 12/31/2017			acute	chronic	Lead	TVS	TVS
		Ammonia	TVS	TVS	Manganese	TVS	TVS
		Boron	---	0.75	Manganese	---	WS
		Chloride	---	250	Mercury	---	0.01(t)
		Chlorine	0.019	0.011	Molybdenum	---	210(T)
		Cyanide	0.005	---	Nickel	TVS	TVS
		Nitrate	10	---	Selenium	TVS	TVS
		Nitrite	---	0.05	Silver	TVS	TVS(tr)
		Phosphorus	---	0.11*	Uranium	---	---
		Sulfate	---	WS	Zinc	TVS	TVS
		Sulfide	---	0.002	Zinc	---	TVS(sc)

All metals are dissolved unless otherwise noted.
T = total recoverable
t = total
tr = trout
sc = sculpin

D.O. = dissolved oxygen
DM = daily maximum
MWAT = maximum weekly average temperature
See 33.6 for details on TVS, TVS(tr), TVS(sc), WS, temperature standards.

REGULATION #33 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS Roaring Fork River Basin

12. All lakes and reservoirs tributary to the Roaring Fork River except for specific listings in Segment 11.							
COUCRF12	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture		DM	MWAT	acute	chronic	
Reviewable	Aq Life Cold 1	Temperature °C	4/1 - 12/31	CLL*	20.3* B	Aluminum	---
	Recreation E	Temperature °C		CL,CLL	CL,CLL	Arsenic	340
	Water Supply					Beryllium	---
	DUWS*						
Qualifiers:			acute	chronic	Cadmium	TVS(tr)	TVS
<div>Other:</div> <div><u>Temporary Modification(s):</u></div> <div><u>Arsenic(chronic) = hybrid</u></div> <div><u>Expiration Date of 12/31/2021</u></div> <div>*chlorophyll a (ug/L)(chronic) = applies only to lakes and reservoirs larger than 25 acres surface area.</div> <div>*Classification: DUWS Applies only to Leonard Thomas Res and Wildcat Res</div> <div>*Phosphorus(chronic) = applies only to lakes and reservoirs larger than 25 acres surface area.</div> <div>*Temperature(4/1 - 12/31) = Ruedi Res (MWAT=20.3)</div>		D.O. (mg/L)	---	6.0	Chromium III	50(T)	TVS
		D.O. (spawning)	---	7.0	Chromium VI	TVS	TVS
		pH	6.5 - 9.0	---	Copper	TVS	TVS
		chlorophyll a (ug/L)	---	8*	Iron	---	WS
		E. Coli (per 100 mL)	---	126	Iron	---	1000(T)
					Lead	TVS	TVS
		Inorganic (mg/L)			Manganese	TVS	TVS
			acute	chronic	Manganese	---	WS
		Ammonia	TVS	TVS	Mercury	---	0.01(t)
		Boron	---	0.75	Molybdenum	---	160(T)
		Chloride	---	250	Nickel	TVS	TVS
		Chlorine	0.019	0.011	Selenium	TVS	TVS
		Cyanide	0.005	---	Silver	TVS	TVS(tr)
		Nitrate	10	---	Uranium	---	---
Nitrite	---	0.05	Zinc	TVS	TVS		
Phosphorus	---	0.025*					
Sulfate	---	WS					
Sulfide	---	0.002					

All metals are dissolved unless otherwise noted.
T = total recoverable
t = total
tr = trout
sc = sculpin

D.O. = dissolved oxygen
DM = daily maximum
MWAT = maximum weekly average temperature
See 33.6 for details on TVS, TVS(tr), TVS(sc), WS, temperature standards.

REGULATION #33 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

Yampa River Basin

2a. Mainstem of the Yampa River from the confluence with Wheeler Creek to a point immediately above the confluence with Oak Creek.						
COUCYA02A	Classifications	Physical and Biological			Metals (ug/L)	
Designation	Agriculture	DM	MWAT	acute	chronic	
Reviewable	Aq Life Cold 1	Temperature °C	CS-I	CS-I	Aluminum	---
	Recreation E	acute	chronic	Arsenic	340	0.02(T)
	Water Supply	D.O. (mg/L)	---	6.0	Beryllium	---
Qualifiers:		D.O. (spawning)	---	7.0	Cadmium	TVS(tr)
Other:		pH	6.5 - 9.0	---	Chromium III	50(T)
Temporary Modification(s):		chlorophyll a (mg/m2)	---	150*	Chromium VI	TVS
Arsenic(chronic) = hybrid		E. Coli (per 100 mL)	---	126	Copper	TVS
Expiration Date of 12/31/2021					Iron	---
		Inorganic (mg/L)			Iron	---
		acute	chronic	Lead	TVS	TVS
		Ammonia	TVS	TVS	Manganese	TVS
		Boron	---	0.75	Manganese	---
		Chloride	---	250	Mercury	---
		Chlorine	0.019	0.011	Molybdenum	---
		Cyanide	0.005	---	Nickel	TVS
		Nitrate	10	---	Selenium	TVS
		Nitrite	---	0.05	Silver	TVS
		Phosphorus	---	0.11*	Uranium	---
		Sulfate	---	WS	Zinc	TVS
		Sulfide	---	0.002	Zinc	---
13b. Mainstem of Foidel Creek, including all tributaries and wetlands. Mainstem Fish Creek, including all tributaries from County Road 27 downstream to the confluence with Trout Creek, except for specific listings in Segment 13g. Middle Creek and all tributaries, from County Road 27 downstream to the confluence with Trout Creek.						
COUCYA13B	Classifications	Physical and Biological			Metals (ug/L)	
Designation	Agriculture	DM	MWAT	acute	chronic	
Reviewable	Aq Life Warm 1	Temperature °C	WS-II	WS-II	Aluminum	---
	Recreation E	acute	chronic	Arsenic	340	7.6(T)
Qualifiers:		D.O. (mg/L)	---	6.0	Beryllium	---
Other:		D.O. (spawning)	---	7.0	Cadmium	TVS(tr)
Temporary Modification(s):		pH	6.5 - 9.0	---	Chromium III	TVS
Selenium(chronic) = current conditions*		chlorophyll a (mg/m2)	---	150	Chromium III	---
Expiration Date of 12/31/2018		E. Coli (per 100 mL)	---	126	Chromium VI	TVS
					Copper	TVS
		Inorganic (mg/L)			Iron	---
		acute	chronic	Iron	3/1 - 6/30	---
		Ammonia	TVS	TVS	Lead	TVS
		Boron	---	0.75	Manganese	TVS
		Chloride	---	---	Mercury	---
		Chlorine	0.019	0.011	Molybdenum	---
		Cyanide	0.005	---	Nickel	TVS
		Nitrate	100	---	Selenium	TVS
		Nitrite	---	0.05	Silver	TVS
		Phosphorus	---	0.11	Uranium	---
		Sulfate	---	---	Zinc	TVS
		Sulfide	---	0.002		

All metals are dissolved unless otherwise noted.
T = total recoverable
t = total
tr = trout
sc = sculpin

D.O. = dissolved oxygen
DM = daily maximum
MWAT = maximum weekly average temperature
See 33.6 for details on TVS, TVS(tr), TVS(sc), WS, temperature standards.

REGULATION #33 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

Yampa River Basin

13d. Mainstem of Dry Creek, including all tributaries and wetlands, from the source to just above the confluence with Temple Gulch.								
COUCYA13D	Classifications	Physical and Biological			Metals (ug/L)			
Designation	Agriculture		DM	MWAT		acute	chronic	
UP	Aq Life Warm 2	Temperature °C	WS-II	WS-II	Aluminum	---	---	
	Recreation E		acute	chronic	Arsenic	340	100(T)	
Qualifiers:		D.O. (mg/L)	---	5.0	Beryllium	---	---	
Other:		pH	6.5 - 9.0	---	Cadmium	TVS	TVS	
Temporary Modification(s):		chlorophyll a (mg/m2)	---	150	Chromium III	TVS	TVS	
Iron(chronic) = current condition		E. Coli (per 100 mL)	---	126	Chromium III	---	100(T)	
Selenium(chronic) = current conditions		Inorganic (mg/L)			Chromium VI	TVS	TVS	
Expiration Date of 12/31/2018			acute	chronic	Copper	TVS	TVS	
Iron(chronic) = See section 33.6(4) for iron assessment locations.		Ammonia	TVS	TVS	Iron	5/1 - 2/29	---	1110(T)
Iron(chronic) = See section 33.6(4) for iron assessment locations.		Boron	---	0.75	Iron	3/1 - 4/30	---	3040(T)
		Chloride	---	---	Lead	TVS	TVS	
		Chlorine	0.019	0.011	Manganese	TVS	TVS	
		Cyanide	0.005	---	Mercury	---	0.01(t)	
		Nitrate	100	---	Molybdenum	---	160(T)	
		Nitrite	---	0.05	Nickel	TVS	TVS	
		Phosphorus	---	0.17	Selenium	TVS	TVS	
		Sulfate	---	---	Silver	TVS	TVS	
		Sulfide	---	0.002	Uranium	---	---	
					Zinc	TVS	TVS	
13e. Mainstem of Sage Creek, including all tributaries and wetlands, from its sources to the confluence with the Yampa River.								
COUCYA13E	Classifications	Physical and Biological			Metals (ug/L)			
Designation	Agriculture		DM	MWAT		acute	chronic	
UP	Aq Life Warm 2	Temperature °C	WS-II	WS-II	Aluminum	---	---	
	Recreation N		acute	chronic	Arsenic	340	100(T)	
Qualifiers:		D.O. (mg/L)	---	5.0	Beryllium	---	---	
Other:		pH	6.5 - 9.0	---	Cadmium	TVS	TVS	
Temporary Modification(s):		chlorophyll a (mg/m2)	---	---	Chromium III	TVS	TVS	
Selenium(chronic) = current conditions		E. Coli (per 100 mL)	---	630	Chromium III	---	100(T)	
Expiration Date of 12/31/2018		Inorganic (mg/L)			Chromium VI	TVS	TVS	
*Iron(chronic) = 1,000(T) ug/L on Lower Sage Creek. See section 33.6(4) for iron assessment locations.			acute	chronic	Copper	TVS	TVS	
Iron(chronic) = 1,250(T) ug/L on Upper Sage Creek. Break between Upper and Lower Sage Creek is the west border of Section 18, T5N, R87W. See section 33.6(4) for iron assessment locations.		Ammonia	TVS	TVS	Iron	---	1000(T)	
		Boron	---	0.75	Iron	---	1250(T)*	
		Chloride	---	---	Lead	TVS	TVS	
		Chlorine	0.019	0.011	Manganese	TVS	TVS	
		Cyanide	0.005	---	Mercury	---	0.01(t)	
		Nitrate	100	---	Molybdenum	---	160(T)	
		Nitrite	---	0.05	Nickel	TVS	TVS	
		Phosphorus	---	0.17	Selenium	TVS	TVS	
		Sulfate	---	---	Silver	TVS	TVS	
		Sulfide	---	0.002	Uranium	---	---	
					Zinc	TVS	TVS	

All metals are dissolved unless otherwise noted.
T = total recoverable
t = total
tr = trout
sc = sculpin

D.O. = dissolved oxygen
DM = daily maximum
MWAT = maximum weekly average temperature
See 33.6 for details on TVS, TVS(tr), TVS(sc), WS, temperature standards.

REGULATION #33 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

Yampa River Basin

13g. All tributaries to Fish Creek from the confluence with Cow Camp Creek to the confluence with Trout Creek,						
COUCYA13G	Classifications	Physical and Biological			Metals (ug/L)	
Designation	Agriculture	DM	MWAT	acute	chronic	
Reviewable	Aq Life Warm 1	Temperature °C	WS-II	WS-II	Aluminum	---
	Recreation E	acute	chronic	Arsenic	340	7.6(T)
Qualifiers:		D.O. (mg/L)	---	5.0	Beryllium	---
Other:		pH	6.5 - 9.0	---	Cadmium	TVS(tr)
Temporary Modification(s):		chlorophyll a (mg/m2)	---	150	Chromium III	TVS
Selenium(chronic) = current conditions		E. Coli (per 100 mL)	---	126	Chromium VI	TVS
Expiration Date of 12/31/2018		Inorganic (mg/L)		Copper	TVS	TVS
		acute	chronic	Iron	---	1000(T)
		Ammonia	TVS	TVS	Lead	TVS
		Boron	---	0.75	Manganese	TVS
		Chloride	---	---	Mercury	---
		Chlorine	0.019	0.011	Molybdenum	---
		Cyanide	0.005	---	Nickel	TVS
		Nitrate	100	---	Selenium	TVS
		Nitrite	---	0.05	Silver	TVS(tr)
		Phosphorus	---	0.17	Uranium	---
		Sulfate	---	---	Zinc	TVS
		Sulfide	---	0.002		

13i. Mainstem of Grassy Creek, including all tributaries and wetlands, from the source to immediately above the confluence with Scotchmans Gulch.						
COUCYA13I	Classifications	Physical and Biological			Metals (ug/L)	
Designation	Agriculture	DM	MWAT	acute	chronic	
UP	Aq Life Warm 2	Temperature °C	WS-II	WS-II	Aluminum	---
	Recreation N	acute	chronic	Arsenic	340	100(T)
Qualifiers:		D.O. (mg/L)	---	5.0	Beryllium	---
Other:		pH	6.5 - 9.0	---	Cadmium	TVS
Temporary Modification(s):		chlorophyll a (mg/m2)	---	---	Chromium III	TVS
Iron(chronic) = current conditions*		E. Coli (per 100 mL)	---	630	Chromium VI	TVS
Selenium(chronic) = current conditions		Inorganic (mg/L)		Copper	TVS	TVS
Expiration Date of 12/31/2018		acute	chronic	Iron	---	1000(T)*
		Ammonia	TVS	TVS	Lead	TVS
		Boron	---	0.75	Manganese	TVS
		Chloride	---	---	Mercury	---
		Chlorine	0.019	0.011	Molybdenum	---
		Cyanide	0.005	---	Nickel	TVS
		Nitrate	100	---	Selenium	TVS
		Nitrite	---	0.05	Silver	TVS
		Phosphorus	---	0.17	Uranium	---
		Sulfate	---	---	Zinc	TVS
		Sulfide	---	0.002		

All metals are dissolved unless otherwise noted.
T = total recoverable
t = total
tr = trout
sc = sculpin

D.O. = dissolved oxygen
DM = daily maximum
MWAT = maximum weekly average temperature
See 33.6 for details on TVS, TVS(tr), TVS(sc), WS, temperature standards.

EXHIBIT 3
WATER QUALITY CONTROL DIVISION

COLORADO DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT
WATER QUALITY CONTROL COMMISSION

5 CCR 1002-36

REGULATION NO. 36
CLASSIFICATIONS AND NUMERIC STANDARDS
FOR
RIO GRANDE BASIN

....

36.41 STATEMENT OF BASIS, SPECIFIC STATUTORY AUTHORITY AND PURPOSE; DECEMBER 11, 2017 RULEMAKING; FINAL ACTION JANUARY 8, 2018; EFFECTIVE DATE JUNE 30, 2018

The provisions of C.R.S. 25-8-202(1)(a), (b) and (2); 25-8-203; 25-8-204; and 25-8-402; provide the specific statutory authority for adoption of these regulatory amendments. The commission also adopted in compliance with 24-4-103(4) C.R.S. the following statement of basis and purpose.

BASIS AND PURPOSE

Pursuant to the requirements in the Basic Standards (at 31.7(3)), the commission reviewed the status of temporary modifications scheduled to expire before December 31, 2019 to determine whether the temporary modification should be modified, eliminated, or extended.

No action: The commission took no action on the temporary modifications on the following segments:

Rio Grande Segments 4a and 7: temporary modifications of the standards on Rio Grande Segment 4a (cadmium, lead, zinc, and ammonia) and Segment 7 (cadmium, copper, lead, silver, zinc, ammonia); expire 12/31/2018. Both the Town of Creede and Rio Grande Silver presented evidence that they are making progress on the plan for eliminating the need for need for the temporary modifications. The commission took no action on the temporary modifications on these two segments as the original time allotment was deemed adequate to resolve the uncertainty.

**COLORADO DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT
WATER QUALITY CONTROL COMMISSION**

5 CCR 1002-36

**REGULATION NO. 36
CLASSIFICATIONS AND NUMERIC STANDARDS
FOR
RIO GRANDE BASIN**

**APPENDIX 36-1
Stream Classifications and Water Quality Standards Tables**

Effective 06/30/~~2017~~2018

REGULATION #36 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

4a. Mainstem of the Rio Grande from a point immediately above the confluence with Willow Creek to a point immediately above the confluence with the South Fork Rio Grande.							
CORGRG04A		Classifications		Physical and Biological		Metals (ug/L)	
Designation	Agriculture		DM	MWAT		acute	chronic
Reviewable	Aq Life Cold 1	Temperature °C	CS-II	CS-II	Aluminum	---	---
	Recreation E		acute	chronic	Arsenic	340	0.02(T)
	Water Supply	D.O. (mg/L)	---	6.0	Beryllium	---	---
		D.O. (spawning)	---	7.0	Cadmium	varies*	varies*
Qualifiers:		pH	6.5 - 9.0	---	Chromium III	50(T)	TVS
Other: Temporary Modification(s): Ammonia(ac/ch) = current conditions Cadmium(chronic) = current condition Lead(chronic) = current condition Zinc(chronic) = current condition Expiration Date of 12/31/2018 Arsenic(chronic) = hybrid Expiration Date of 12/31/2021 *Cadmium(acute) = See 36.6(4) for site-specific standards and assessment locations. *Cadmium(chronic) = See 36.6(4) for site-specific standards and assessment locations. *Lead(chronic) = See 36.6(4) for site-specific standards and assessment locations. *Manganese(chronic) = See 36.6(4) for site-specific standards and assessment locations. *Zinc(acute) = See 36.6(4) for site-specific standards and assessment locations. *Zinc(chronic) = See 36.6(4) for site-specific standards and assessment locations.		chlorophyll a (mg/m2)	---	---	Chromium VI	TVS	TVS
		E. Coli (per 100 mL)	---	126	Copper	TVS	TVS
					Iron	---	WS
		Inorganic (mg/L)			Iron	---	1000(T)
			acute	chronic	Lead	TVS	varies*
		Ammonia	TVS	TVS	Manganese	TVS	varies*
		Boron	---	0.75	Mercury	---	0.01(T)
		Chloride	---	250	Molybdenum	---	160(T)
		Chlorine	0.019	0.011	Nickel	TVS	TVS
		Cyanide	0.005	---	Selenium	TVS	TVS
		Nitrate	10	---	Silver	TVS	TVS(tr)
		Nitrite	---	0.05	Uranium	---	---
		Phosphorus	---	---	Zinc	varies*	varies*
		Sulfate	---	WS			
		Sulfide	---	0.002			

All metals are dissolved unless otherwise noted.
T = total recoverable
t = total
tr = trout

D.O. = dissolved oxygen
DM = daily maximum
MWAT = maximum weekly average temperature
See 36.6 for details on TVS, TVS(tr), WS, temperature standards.

REGULATION #36 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

Rio Grande River Basin

7. Mainstem of West Willow Creek from the Park Regent Mine dump to the confluence with East Willow Creek. Mainstem of Willow Creek, including all tributaries from the confluence of East and West Willow Creeks, to the confluence with the Rio Grande.

CORGRG07	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture	DM		MWAT	acute		chronic
UP	Aq Life Cold 2	Temperature °C	CS-II	CS-II	Aluminum	---	---
	Recreation E	acute	chronic		Arsenic	340	100(T)
Qualifiers:		D.O. (mg/L)	---	6.0	Beryllium	---	---
Other:		D.O. (spawning)	---	7.0	Cadmium	varies*	varies*
Temporary Modification(s):		pH	6.5 - 9.0	---	Chromium III	TVS	TVS
Ammonia(ac/ch) = current conditions*		chlorophyll a (mg/m2)	---	150*	Chromium III	---	100(T)
Cadmium(ac/ch) = varies*		E. Coli (per 100 mL)	---	126	Chromium VI	TVS	TVS
Copper(ac/ch) = varies*					Copper	varies*	varies*
Lead(ac/ch) = varies*		Inorganic (mg/L)			Iron	---	1000(T)
Silver(acute) = varies*		acute	chronic		Lead	varies*	varies*
Zinc(ac/ch) = varies*		Ammonia	TVS	TVS	Manganese	varies*	varies*
Expiration Date of 12/31/2018		Boron	---	0.75	Mercury	---	0.01(T)
*chlorophyll a (mg/m2)(chronic) = applies only above the facilities listed at 36.5(4).		Chloride	---	---	Molybdenum	---	160(T)
*Phosphorus(chronic) = applies only above the facilities listed at 36.5(4).		Chlorine	---	0.011	Nickel	TVS	TVS
*Cadmium(acute) = See 36.6(4) for temporary modifications, site-specific standards and assessment locations.		Cyanide	0.005	---	Selenium	TVS	TVS
Cadmium(chronic) = See 36.6(4) for temporary modifications, site-specific standards and assessment locations.		Nitrate	100	---	Silver	varies	TVS
*Copper(acute) = See 36.6(4) for temporary modifications, site-specific standards and assessment locations.		Nitrite	---	10	Uranium	---	---
Copper(chronic) = See 36.6(4) for temporary modifications, site-specific standards and assessment locations.		Phosphorus	---	0.11	Zinc	varies*	varies*
*Lead(acute) = See 36.6(4) for temporary modifications, site-specific standards and assessment locations.		Sulfate	---	---			
*Lead(chronic) = See 36.6(4) for temporary modifications, site-specific standards and assessment locations.		Sulfide	---	0.002			
*Manganese(acute) = See 36.6(4) for site-specific standards and assessment locations.							
*Manganese(chronic) = See 36.6(4) for site-specific standards and assessment locations.							
*Silver(acute) = See 36.6(4) for temporary modifications, site-specific standards and assessment locations.							
*Zinc(acute) = See 36.6(4) for temporary modifications, site-specific standards and assessment locations.							
*Zinc(chronic) = See 36.6(4) for temporary modifications, site-specific standards and assessment locations.							
*TempMod: Ammonia = Willow below Creede WWTF.							
*TempMod: Cadmium = See 36.6(4) for temporary modifications and assessment locations.							
*TempMod: Copper = See 36.6(4) for temporary modifications and assessment locations.							
*TempMod: Lead = See 36.6(4) for temporary modifications and assessment locations.							
*TempMod: Silver = See 36.6(4) for temporary modifications and assessment locations.							
*TempMod: Zinc = See 36.6(4) for temporary modifications and assessment locations.							

All metals are dissolved unless otherwise noted.
T = total recoverable
t = total
tr = trout

D.O. = dissolved oxygen
DM = daily maximum
MWAT = maximum weekly average temperature
See 36.6 for details on TVS, TVS(tr), WS, temperature standards.

EXHIBIT 4
WATER QUALITY CONTROL DIVISION

COLORADO DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT
WATER QUALITY CONTROL COMMISSION

5 CCR 1002-37

REGULATION NO. 37
CLASSIFICATIONS AND NUMERIC STANDARDS
FOR
LOWER COLORADO RIVER BASIN

....

37.38 STATEMENT OF BASIS, SPECIFIC STATUTORY AUTHORITY AND PURPOSE; DECEMBER 11, 2017 RULEMAKING; FINAL ACTION JANUARY 8, 2018; EFFECTIVE DATE JUNE 30, 2018

The provisions of C.R.S. 25-8-202(1)(a), (b) and (2); 25-8-203; 25-8-204; and 25-8-402; provide the specific statutory authority for adoption of these regulatory amendments. The Commission also adopted in compliance with 24-4-103(4) C.R.S. the following statement of basis and purpose.

BASIS AND PURPOSE

Pursuant to the requirements in the Basic Standards (at 31.7(3)), the commission reviewed the status of temporary modifications scheduled to expire before December 31, 2019 to determine whether the temporary modification should be modified, eliminated, or extended.

No action: The commission took no action on the temporary modifications on the following segments:

Lower Colorado Segment 4e: temporary modifications of the copper (expires 12/31/2019) and iron (expires 12/31/2018) standards. Tri-State Power and Generation presented evidence that it is making progress on the plan for eliminating the need for the temporary modifications. The commission took no action on the temporary modifications on this segment as the original time allotment was deemed adequate to resolve the uncertainty.

**COLORADO DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT
WATER QUALITY CONTROL COMMISSION**

5 CCR 1002-37

**REGULATION NO. 37
CLASSIFICATIONS AND NUMERIC STANDARDS
FOR
LOWER COLORADO RIVER BASIN**

**APPENDIX 37-1
Stream Classifications and Water Quality Standards Tables**

Effective 06/30/~~2017~~2018

REGULATION #37 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

Lower Colorado River

4e. Mainstem of Dry Creek including all tributaries and wetlands from the source to immediately above the Last Chance Ditch.						
COLCLC04E	Classifications	Physical and Biological			Metals (ug/L)	
Designation			DM	MWAT	acute	chronic
UP	Agriculture					
	Aq Life Cold 2	Temperature °C	CS-II	CS-II	Aluminum	---
	Recreation N		acute	chronic	Arsenic	340
Qualifiers:		D.O. (mg/L)	---	5.0	Beryllium	---
Other:		pH	6.5 - 9.0	---	Cadmium	TVS
Temporary Modification(s):		chlorophyll a (mg/m2)	---	---	Chromium III	TVS
Copper(ac/ch) = current conditions		E. Coli (per 100 mL)	---	630	Chromium III	---
Expiration Date of 12/31/2019		Inorganic (mg/L)			Chromium VI	TVS
Iron(chronic) = current conditions			acute	chronic	Copper	TVS
Expiration Date of 12/31/2018		Ammonia	TVS	TVS	Iron	---
*Phosphorus(chronic) = applies only above the facilities listed at 37.5(4).		Boron	---	0.75	Lead	TVS
		Chloride	---	---	Manganese	TVS
		Chlorine	0.019	0.011	Mercury	---
		Cyanide	0.005	---	Molybdenum	---
		Nitrate	100	---	Nickel	TVS
		Nitrite	---	0.05	Selenium	TVS
		Phosphorus	---	0.11*	Silver	TVS
		Sulfate	---	---	Uranium	---
		Sulfide	---	0.002	Zinc	TVS

All metals are dissolved unless otherwise noted.
T = total recoverable
t = total
tr = trout
sc = sculpin

D.O. = dissolved oxygen
DM = daily maximum
MWAT = maximum weekly average temperature
See 37.6 for details on TVS, TVS(tr), TVS(sc), WS, temperature standards.

EXHIBIT 5
WATER QUALITY CONTROL DIVISION

COLORADO DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT
WATER QUALITY CONTROL COMMISSION

5 CCR 1002-38

REGULATION NO. 38
CLASSIFICATIONS AND NUMERIC STANDARDS
FOR
SOUTH PLATTE RIVER BASIN, LARAMIE RIVER BASIN,
REPUBLICAN RIVER BASIN, SMOKY HILL RIVER BASIN

....

38.97 STATEMENT OF BASIS, SPECIFIC STATUTORY AUTHORITY AND PURPOSE; DECEMBER 11, 2017 RULEMAKING; FINAL ACTION JANUARY 8, 2018; EFFECTIVE DATE JUNE 30, 2018

The provisions of C.R.S. 25-8-202(1)(a), (b) and (2); 25-8-203; 25-8-204; and 25-8-402; provide the specific statutory authority for adoption of these regulatory amendments. The commission also adopted in compliance with 24-4-103(4) C.R.S. the following statement of basis and purpose.

BASIS AND PURPOSE

Pursuant to the requirements in the Basic Standards (at 31.7(3)), the commission reviewed the status of temporary modifications scheduled to expire before December 31, 2019 to determine whether the temporary modification should be modified, eliminated, or extended.

No action: The commission took no action on the temporary modifications on the following segments:

Upper South Platte Segment 3: temporary modification of the ammonia standard below the Florissant Wastewater Treatment Facility (expires 12/31/2017). The Town of Florissant obtained funding to upgrade its facility and a progress report indicated the facility is on track to comply with ammonia effluent limits. The commission took no action on this temporary modification and it was deleted from the table because it expires 12/31/2017.

Upper South Platte Segment 10a: temporary modifications of the copper (expires 12/31/2018; applies below the Plum Creek Water Reclamation Authority) and manganese (expires 6/30/2019) standards. Plum Creek Water Reclamation Authority continues to make progress on resolving the uncertainty underlying both temporary modifications. The commission made no change to the expiration date as the original time allotment was deemed adequate to resolve the uncertainty.

Clear Creek Segments 11, 14a, 14b, and 15: temporary modification of the temperature standard (expires 6/30/2019). Miller Coors continues to make progress on resolving the uncertainty. The commission made no change to the expiration date as the original time allotment was deemed adequate to resolve the uncertainty.

Clear Creek Segment 13b: temporary modification of the cadmium standard (expires 12/31/2018). Black Hawk and Central City Sanitation District continues to make progress on resolving the uncertainty. The commission made no change to the expiration date as the original time allotment was deemed adequate to resolve the uncertainty.

New temporary modifications of the arsenic standard:

Consistent with the actions taken in 2013, the commission adopted a temporary modification of the arsenic standard on segments on the following list, with an expiration date of 12/31/2021. At the April 8, 2013 rulemaking, the commission heard testimony that concurred with the finding from a December 13, 2011 rulemaking hearing that an initial reasonable lower limit of treatment technology for arsenic is 3.0 µg/L, pending further investigation by the division, dischargers and stakeholders. The temporary modification was established by the commission to allow for a temporarily less stringent application of the chronic arsenic standard in control requirements for both existing discharges and new or increased discharges.

Cherry Creek Segment 3
Boulder Creek Segment 7b

**COLORADO DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT
WATER QUALITY CONTROL COMMISSION**

5 CCR 1002-38

**REGULATION NO. 38
CLASSIFICATIONS AND NUMERIC STANDARDS
FOR
SOUTH PLATTE RIVER BASIN, LARAMIE RIVER BASIN
REPUBLICAN RIVER BASIN, SMOKY HILL RIVER BASIN**

**APPENDIX 38-1
Stream Classifications and Water Quality Standards Tables**

Effective 06/30/~~2017~~2018

REGULATION #38 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

Upper South Platte River Basin

3. All tributaries to the South Platte River, including all wetlands from a point immediately below the confluence with Tarryall Creek to a point immediately above the confluence with the North Fork of the South Platte River, except for specific listings in Segment 1b.

COSPUS03	Classifications	Physical and Biological			Metals (ug/L)				
Designation	Agriculture	DM	MWAT	acute		chronic			
Reviewable	Aq Life Cold 1	Temperature °C	CS-I	CS-I	Aluminum	---	---		
	Recreation E	acute	chronic	Arsenic	340	0.02(T)			
	Water Supply	D.O. (mg/L)	---	6.0	Beryllium	---	---		
Qualifiers:		D.O. (spawning)	---	7.0	Cadmium	TVS(tr)	TVS		
Other: Temporary Modification(s): Ammonia(ac/ch) = current condition* Expiration Date of 12/31/2017 Arsenic(chronic) = hybrid Expiration Date of 12/31/2021 *chlorophyll a (mg/m2)(chronic) = applies only above the facilities listed at 38.5(4). *Phosphorus(chronic) = applies only above the facilities listed at 38.5(4). *TempMod: Ammonia = below the Florissant Wastewater Treatment Facility outfall.		pH	6.5 - 9.0	---	Cadmium	5.0(T)	---		
		chlorophyll a (mg/m2)	---	150*	Chromium III	50(T)	TVS		
		E. Coli (per 100 mL)	---	126	Chromium VI	TVS	TVS		
					Copper	TVS	TVS		
		Inorganic (mg/L)			Iron	---	WS		
					Iron	---	1000(T)		
					Lead	TVS	TVS		
		Ammonia			TVS	TVS			
		Boron			---	0.75	Lead	50(T)	---
		Chloride			---	250	Manganese	TVS	TVS
		Chlorine			0.019	0.011	Manganese	---	WS
		Cyanide			0.005	---	Mercury	---	0.01(t)
		Nitrate			10	---	Molybdenum	---	150(T)
		Nitrite			---	0.05	Nickel	TVS	TVS
Phosphorus			---	0.11*	Nickel	---	100(T)		
Sulfate			---	WS	Selenium	TVS	TVS		
Sulfide			---	0.002	Silver	TVS	TVS(tr)		
					Uranium	---	---		
					Zinc	TVS	TVS		

10a. Mainstems of East Plum Creek, West Plum Creek, and Plum Creek from the boundary of National Forest lands to Chatfield Reservoir, mainstems of Stark Creek and Gove Creek from the boundary of National Forest lands to their confluence.

COSPUS10A	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture	DM	MWAT		acute	chronic	
Reviewable	Aq Life Warm 1	Temperature °C	WS-I	WS-I	Aluminum	---	---
	Recreation E	acute	chronic		Arsenic	340	0.02(T)
	Water Supply	D.O. (mg/L)	---	5.0	Beryllium	---	---
Qualifiers:		pH	6.5 - 9.0	---	Cadmium	TVS	TVS
Other: Temporary Modification(s): Arsenic(chronic) = hybrid Expiration Date of 12/31/2021 Copper(ac/ch) = current condition* Expiration Date of 12/31/2018 Manganese(chronic) = current condition* Expiration Date of 6/30/2019 temperature(DM/MWAT) = current condition* 12/1 - 2/29 Expiration Date of 12/31/2020 *chlorophyll a (mg/m2)(chronic) = applies only above the facilities listed at 38.5(4). *Phosphorus(chronic) = applies only above the facilities listed at 38.5(4). *TempMod: Copper = East Plum Creek and Plum Creek below the PCWRA discharge. *TempMod: Manganese = applies to the manganese WS standard. *TempMod: temperature(12/1 - 2/29) = East Plum Creek and Plum Creek below the PCWRA discharge.		chlorophyll a (mg/m2)	---	150*	Cadmium	5.0(T)	---
		E. Coli (per 100 mL)	---	126	Chromium III	50(T)	TVS
		Inorganic (mg/L)			Chromium VI	TVS	TVS
			acute	chronic	Copper	TVS	TVS
		Ammonia	TVS	TVS	Iron	---	WS
		Boron	---	0.75	Iron	---	1000(T)
		Chloride	---	250	Lead	TVS	TVS
		Chlorine	0.019	0.011	Lead	50(T)	---
		Cyanide	0.005	---	Manganese	TVS	TVS
		Nitrate	10	---	Manganese	---	WS
		Nitrite	---	0.5	Mercury	---	0.01(t)
		Phosphorus	---	0.17*	Molybdenum	---	150(T)
		Sulfate	---	WS	Nickel	TVS	TVS
		Sulfide	---	0.002	Nickel	---	100(T)
					Selenium	TVS	TVS
					Silver	TVS	TVS
					Uranium	---	---
					Zinc	TVS	TVS

All metals are dissolved unless otherwise noted.
T = total recoverable
t = total
tr = trout

D.O. = dissolved oxygen
DM = daily maximum
MWAT = maximum weekly average temperature
See 38.6 for details on TVS, TVS(tr), WS, temperature standards.

REGULATION #38 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

Cherry Creek Basin

3. Mainstem of Cherry Creek from the outlet of Cherry Creek Reservoir to the confluence with the South Platte River.							
COSPCH03	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture	DM	MWAT		acute	chronic	
Reviewable	Aq Life Warm 2	Temperature °C	WS-II	WS-II	Aluminum	---	---
	Recreation E	acute	chronic		Arsenic	340	0.02-10(T) ^A
	Water Supply	D.O. (mg/L)	---	5.0	Beryllium	---	---
Qualifiers:		pH	6.5 - 9.0	---	Cadmium	TVS	TVS
Other: <u>Temporary Modification(s):</u> <u>Arsenic(chronic) = hybrid</u> <u>Expiration Date of 12/31/2021</u>		chlorophyll a (mg/m2)	---	---	Cadmium	5.0(T)	---
		E. Coli (per 100 mL)	---	126	Chromium III	50(T)	TVS
		Inorganic (mg/L)			Chromium VI	TVS	TVS
			acute	chronic	Copper	TVS	TVS
		Ammonia	TVS	TVS	Iron	---	WS
		Boron	---	0.75	Iron	---	1000(T)
		Chloride	---	250	Lead	TVS	TVS
		Chlorine	0.019	0.011	Lead	50(T)	---
		Cyanide	0.005	---	Manganese	TVS	TVS
		Nitrate	10	---	Manganese	---	WS
		Nitrite	---	0.5	Mercury	---	0.01(t)
		Phosphorus	---	---	Molybdenum	---	150(T)
		Sulfate	---	WS	Nickel	TVS	TVS
		Sulfide	---	0.002	Nickel	---	100(T)
					Selenium	TVS	TVS
					Silver	TVS	TVS
					Uranium	---	---
					Zinc	TVS	TVS

All metals are dissolved unless otherwise noted.
T = total recoverable
t = total
tr = trout

D.O. = dissolved oxygen
DM = daily maximum
MWAT = maximum weekly average temperature
See 38.6 for details on TVS, TVS(tr), WS, temperature standards.

REGULATION #38 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

Clear Creek Basin

11. Mainstem of Clear Creek from a point just above the Argo Tunnel discharge to the Farmers Highline Canal diversion in Golden, Colorado.						
COSPCL11	Classifications	Physical and Biological		Metals (ug/L)		
Designation	Agriculture	DM	MWAT	acute	chronic	
UP	Aq Life Cold 1	Temperature °C	CS-I	CS-I	Aluminum	---
	Recreation E	acute	chronic	Arsenic	340	0.02(T)
	Water Supply	D.O. (mg/L)	---	6.0	Beryllium	---
Qualifiers:		D.O. (spawning)	---	7.0	Cadmium	TVS(tr)
Other:		pH	6.5 - 9.0	---	Cadmium	5.0(T)
Temporary Modification(s):		chlorophyll a (mg/m2)	---	---	Chromium III	50(T)
Arsenic(chronic) = hybrid		E. Coli (per 100 mL)	---	126	Chromium VI	TVS
Expiration Date of 12/31/2021				Copper	---	17
temperature(DM/MWAT) = current condition*		Inorganic (mg/L)		Iron	---	WS
Expiration Date of 6/30/2019		acute	chronic	Iron	---	1000(T)
*Zinc(acute) = 0.978e^(0.8537[ln(hardness)]+1.9467)		Ammonia	TVS	TVS	Lead	TVS
*Zinc(chronic) = 0.986e^(0.8537[ln(hardness)]+1.8032)		Boron	---	0.75	Lead	50(T)
*TempMod: temperature = from a point just downstream of the US 6 Bridge to the Farmers Highline Canal diversion in Golden, Colorado.		Chloride	---	250	Manganese	TVS
		Chlorine	0.019	0.011	Manganese	---
		Cyanide	0.005	---	Mercury	---
		Nitrate	10	---	Mercury	0.01(t)
		Nitrite	---	0.05	Molybdenum	---
		Phosphorus	---	---	Nickel	TVS
		Sulfate	---	WS	Nickel	---
		Sulfide	---	0.002	Selenium	TVS
					Selenium	TVS
					Silver	TVS
					Silver	TVS(tr)
					Uranium	---
					Uranium	---
					Zinc	SSE*
					Zinc	SSE*
					Zinc	---

13b. Mainstem of North Clear Creek including all tributaries and wetlands from a point just below the confluence with Chase Gulch to the confluence with Clear Creek, except for the specific listings in Segment 13a.

COSPCL13B	Classifications	Physical and Biological		Metals (ug/L)		
Designation	Agriculture	DM	MWAT	acute	chronic	
UP	Aq Life Cold 2	Temperature °C	CS-I	CS-I	Aluminum	---
	Recreation E	acute	chronic	Arsenic	340	100(T)
Qualifiers:		D.O. (mg/L)	---	6.0	Beryllium	---
Other:		D.O. (spawning)	---	7.0	Cadmium	TVS(tr)
Temporary Modification(s):		pH	6.5 - 9.0	---	Chromium III	TVS
Cadmium(chronic) = 4.7		chlorophyll a (mg/m2)	---	150*	Chromium III	---
Expiration Date of 12/31/2018		E. Coli (per 100 mL)	---	126	Chromium VI	100(T)
temperature(DM/MWAT) = current condition				Copper	TVS	TVS
Expiration Date of 12/31/2020		Inorganic (mg/L)		Copper	---	64
*chlorophyll a (mg/m2)(chronic) = applies only above the facilities listed at 38.5(4).		acute	chronic	Iron	---	5400(T)
*Phosphorus(chronic) = applies only above the facilities listed at 38.5(4).		Ammonia	TVS	TVS	Lead	TVS
		Boron	---	0.75	Lead	TVS
		Chloride	---	---	Manganese	TVS
		Chlorine	0.019	0.011	Manganese	TVS
		Cyanide	0.005	---	Mercury	---
		Nitrate	100	---	Mercury	0.01(t)
		Nitrite	---	0.05	Molybdenum	---
		Phosphorus	---	0.11*	Molybdenum	150(T)
		Sulfate	---	---	Nickel	TVS
		Sulfide	---	0.002	Nickel	TVS
					Selenium	TVS
					Selenium	TVS
					Silver	TVS
					Silver	TVS(tr)
					Uranium	---
					Uranium	---
					Zinc	---
					Zinc	740

All metals are dissolved unless otherwise noted.
T = total recoverable
t = total
tr = trout

D.O. = dissolved oxygen
DM = daily maximum
MWAT = maximum weekly average temperature
See 38.6 for details on TVS, TVS(tr), WS, temperature standards.

REGULATION #38 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

Clear Creek Basin

14a. Mainstem of Clear Creek from the Farmers Highline Canal diversion in Golden, Colorado to the Denver Water conduit #16 crossing.							
COSPCL14A	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture	DM	MWAT	acute	chronic		
UP	Aq Life Warm 2	Temperature °C	WS-II	WS-II	Aluminum	---	
	Recreation N	acute	chronic	Arsenic	340	0.02-10(T)	
	Water Supply	D.O. (mg/L)	---	5.0	Beryllium	---	
Qualifiers:		pH	6.5 - 9.0	---	Cadmium	TVS	
Other: Temporary Modification(s): Arsenic(chronic) = hybrid Expiration Date of 12/31/2021 temperature(DM/MWAT) = current condition Expiration Date of 6/30/2019 *Zinc(acute) = TVS x (times) the FWER (final water effect ratio). Expiration date of 12/31/20. *Zinc(chronic) = TVS x (times) the FWER (final water effect ratio). Expiration date of 12/31/20.		chlorophyll a (mg/m2)	---	---	Cadmium	5.0(T)	
		E. Coli (per 100 mL)	---	630	Chromium III	50(T)	TVS
		Inorganic (mg/L)		Chromium VI	TVS	TVS	
		acute	chronic	Copper	TVS	TVS	
		Ammonia	TVS	TVS	Iron	---	WS
		Boron	---	0.75	Iron	---	1000(T)
		Chloride	---	250	Lead	TVS	TVS
		Chlorine	0.019	0.011	Lead	50(T)	---
		Cyanide	0.005	---	Manganese	TVS	244
		Nitrate	10	---	Mercury	---	0.01(t)
		Nitrite	---	0.5	Molybdenum	---	150(T)
		Phosphorus	---	---	Nickel	TVS	TVS
		Sulfate	---	WS	Nickel	---	100(T)
		Sulfide	---	0.002	Selenium	TVS	TVS
					Silver	TVS	TVS
					Uranium	---	---
					Zinc	TVSx1.57*	TVSx1.57*

14b. Mainstem of Clear Creek from the Denver Water conduit #16 crossing to a point just below Youngfield Street in Wheat Ridge, Colorado.							
COSPCL14B	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture	DM	MWAT	acute	chronic		
UP	Aq Life Warm 2	Temperature °C	WS-II	WS-II	Aluminum	---	
	Recreation E	acute	chronic	Arsenic	340	0.02(T)	
	Water Supply	D.O. (mg/L)	---	5.0	Beryllium	---	
Qualifiers:		pH	6.5 - 9.0	---	Cadmium	TVS	
Water + Fish Standards		chlorophyll a (mg/m2)	---	---	Cadmium	5.0(T)	
Other: Temporary Modification(s): temperature(DM/MWAT) = current condition Expiration Date of 6/30/2019 *Zinc(acute) = TVS x (times) the FWER (final water effect ratio). Expiration date of 12/31/20. *Zinc(chronic) = TVS x (times) the FWER (final water effect ratio). Expiration date of 12/31/20.		E. Coli (per 100 mL)	---	126	Chromium III	50(T)	
		Inorganic (mg/L)		Chromium VI	TVS	TVS	
		acute	chronic	Copper	TVS	TVS	
		Ammonia	TVS	TVS	Iron	---	WS
		Boron	---	0.75	Iron	---	1000(T)
		Chloride	---	250	Lead	TVS	TVS
		Chlorine	0.019	0.011	Lead	50(T)	---
		Cyanide	0.005	---	Manganese	TVS	244
		Nitrate	10	---	Mercury	---	0.01(t)
		Nitrite	---	0.5	Molybdenum	---	150(T)
		Phosphorus	---	---	Nickel	TVS	TVS
		Sulfate	---	WS	Nickel	---	100(T)
		Sulfide	---	0.002	Selenium	TVS	TVS
					Silver	TVS	TVS
					Uranium	---	---
					Zinc	TVSx1.57*	TVSx1.57*

14b. Mainstem of Clear Creek from the Denver Water conduit #16 crossing to a point just below Youngfield Street in Wheat Ridge, Colorado.							
COSPCL14B Classifications		Physical and Biological			Metals (ug/L)		
Designation	Agriculture		DM	MWAT		acute	chronic
UP	Aq Life Warm 2	Temperature °C	WS-II	WS-II	Aluminum	---	---
	Recreation E		acute	chronic	Arsenic	340	0.02(T)
	Water Supply	D.O. (mg/L)	---	5.0	Beryllium	---	---
Qualifiers:		pH	6.5 - 9.0	---	Cadmium	TVS	TVS
Water + Fish Standards		chlorophyll a (mg/m2)	---	---	Cadmium	5.0(T)	---
Other:		E. Coli (per 100 mL)	---	126	Chromium III	50(T)	TVS
Temporary Modification(s): temperature(DM/MWAT) = current condition Expiration Date of 6/30/2019 *Zinc(acute) = TVS x (times) the FWER (final water effect ratio). Expiration date of 12/31/20. *Zinc(chronic) = TVS x (times) the FWER (final water effect ratio). Expiration date of 12/31/20.		Inorganic (mg/L)			Chromium VI	TVS	TVS
			acute	chronic	Copper	TVS	TVS
		Ammonia	TVS	TVS	Iron	---	WS
		Boron	---	0.75	Iron	---	1000(T)
		Chloride	---	250	Lead	TVS	TVS
		Chlorine	0.019	0.011	Lead	50(T)	---
		Cyanide	0.005	---	Manganese	TVS	244
		Nitrate	10	---	Mercury	---	0.01(t)
		Nitrite	---	0.5	Molybdenum	---	150(T)
		Phosphorus	---	---	Nickel	TVS	TVS
		Sulfate	---	WS	Nickel	---	100(T)
		Sulfide	---	0.002	Selenium	TVS	TVS
					Silver	TVS	TVS
					Uranium	---	---
					Zinc	TVSx1.57*	TVSx1.57*

All metals are dissolved unless otherwise noted.
T = total recoverable
t = total
tr = trout

D.O. = dissolved oxygen
DM = daily maximum
MWAT = maximum weekly average temperature
See 38.6 for details on TVS, TVS(tr), WS, temperature standards.

REGULATION #38 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

Clear Creek Basin

15. Mainstem of Clear Creek from Youngfield Street in Wheat Ridge, Colorado, to the confluence with the South Platte River.						
COSPCL15	Classifications	Physical and Biological			Metals (ug/L)	
Designation	Agriculture	DM	MWAT		acute	chronic
Reviewable	Aq Life Warm 1*	Temperature °C	WS-II	WS-II	Aluminum	---
	Recreation E	acute	chronic		Arsenic	340
	Water Supply	D.O. (mg/L)	---	5.0	Beryllium	---
Qualifiers:		pH	6.5 - 9.0	---	Cadmium	TVS
Other:		chlorophyll a (mg/m2)	---	---	Cadmium	5.0(T)
Temporary Modification(s):		E. Coli (per 100 mL)	---	126	Chromium III	50(T)
Arsenic(chronic) = hybrid		Inorganic (mg/L)			Chromium VI	TVS
Expiration Date of 12/31/2021		acute	chronic		Copper	TVS
temperature(DM/MWAT) = current condition		Ammonia	TVS	TVS	Iron	---
Expiration Date of 6/30/2019		Boron	---	0.75	Iron	---
		Chloride	---	250	Lead	TVS
*Classification: Aquatic life warm 1 goal qualifier.		Chlorine	0.019	0.011	Lead	50(T)
*Zinc(acute) = TVS x (times) the FWER (final water effect ratio).		Cyanide	0.005	---	Manganese	TVS
Expiration date of 12/31/20.		Nitrate	10	---	Manganese	---
*Zinc(chronic) = TVS x (times) the FWER (final water effect ratio).		Nitrite	---	0.5	Mercury	---
Expiration date of 12/31/20.		Phosphorus	---	---	Molybdenum	---
		Sulfate	---	WS	Nickel	TVS
		Sulfide	---	0.002	Nickel	---
					Selenium	TVS
					Silver	TVS
					Uranium	---
					Zinc	TVSx1.57*

All metals are dissolved unless otherwise noted.
T = total recoverable
t = total
tr = trout

D.O. = dissolved oxygen
DM = daily maximum
MWAT = maximum weekly average temperature
See 38.6 for details on TVS, TVS(tr), WS, temperature standards.

REGULATION #38 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

Boulder Creek Basin

7b. Mainstem of Coal Creek from Highway 36 to the confluence with Boulder Creek.							
COSPBO07B	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture		DM	MWAT		acute	chronic
Reviewable	Aq Life Warm 2	Temperature °C	WS-II	WS-II	Aluminum	---	---
	Recreation E		acute	chronic	Arsenic	340	0.02-10(T) ^A
	Water Supply	D.O. (mg/L)	---	5.0	Beryllium	---	---
Qualifiers:		pH	6.5 - 9.0	---	Cadmium	TVS	TVS
Other: <u>Temporary Modification(s):</u> <u>Arsenic(chronic) = hybrid</u> <u>Expiration Date of 12/31/2021</u>		chlorophyll a (mg/m2)	---	---	Cadmium	5.0(T)	---
		E. Coli (per 100 mL)	---	126	Chromium III	50(T)	TVS
		Inorganic (mg/L)			Chromium VI	TVS	TVS
			acute	chronic	Copper	TVS	TVS
		Ammonia	TVS	TVS	Iron	---	WS
		Boron	---	0.75	Iron	---	1000(T)
		Chloride	---	250	Lead	TVS	TVS
		Chlorine	0.019	0.011	Lead	50(T)	---
		Cyanide	0.005	---	Manganese	TVS	TVS
		Nitrate	10	---	Manganese	---	WS
		Nitrite	---	0.5	Mercury	---	0.01(t)
		Phosphorus	---	---	Molybdenum	---	150(T)
		Sulfate	---	WS	Nickel	TVS	TVS
		Sulfide	---	0.002	Nickel	---	100(T)
					Selenium	TVS	TVS
					Silver	TVS	TVS
					Uranium	---	---
			Zinc	TVS	TVS		

All metals are dissolved unless otherwise noted.
T = total recoverable
t = total
tr = trout

D.O. = dissolved oxygen
DM = daily maximum
MWAT = maximum weekly average temperature
See 38.6 for details on TVS, TVS(tr), WS, temperature standards.

EXHIBIT 6
PEABODY SAGE CREEK MINING COMPANY
AND SENECA COAL COMPANY

DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT

Water Quality Control Commission

**REGULATION NO. 33 - CLASSIFICATIONS AND NUMERIC STANDARDS FOR UPPER COLORADO
RIVER BASIN AND NORTH PLATTE RIVER (PLANNING REGION 12)**

5 CCR 1002-33

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33.6 TABLES

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(4) Assessment Criteria

The following criteria shall be used when assessing whether a specified waterbody is in attainment of the specified standard.

~~(e)(a)~~ Yampa River Segment 13b: Standards and Iron Assessment Thresholds and Locations for Iron and Selenium

Iron Standards:

Middle Creek-

March-June, ~~Fe(ch) = 2090(Tree)~~Iron(chronic)=2090(T), median of all data
July-February, ~~Fe(ch) = 1000 (Tree)~~Iron(chronic)=1000(T)

Foidel Creek: ~~Fe(ch) = 1000(Tree)~~Iron(chronic)=1000(T), median of all data

Iron Assessment Locations:

- Middle Creek Site G-MC-2/Site 29: located at ~~N~~40°-23'-48.3"N, ~~W~~106°-58'47.0"W.
- Foidel Creek Site 14: located at ~~N~~40°-33'-48.6"N, ~~W~~107°-08'-63.5"W.
- Foidel Creek Site 8: located at ~~N~~40°-21'-55.7"N, ~~W~~107°-02'-43.6"W.
- Foidel Creek Site 900: located at ~~N~~40°-23'-24.7"N, ~~W~~106°-59'-40.9"W.

Selenium Standards:

Selenium(chronic)=9.5 mg/kg dry weight whole body. See section 33.6(4)(h) for fish-tissue assessment method.

Selenium Assessment Locations:

- Foidel Creek Site FOC-1, located at 40°21'55.69"N, 107°2'43.57"W.

~~(a)(b)~~ Yampa River Segment 13d, ~~Dry Creek: Iron Standards and~~ Assessment Thresholds and Locations for Iron and Selenium

Iron Standards:

~~Mar-Apr, Fe(ch) = 3040(Trec), snowmelt season median values~~

~~May-Feb, Fe(ch) = 1110(Trec), no snowmelt season median values~~

Dry Creek, Watering Trough Gulch, and 005 Gulch: Iron(chronic)= 1000(T)

Hubberson Gulch

March-June, Iron(chronic)=2750(T)

July-February, Iron(chronic)=1000(T)

Iron Assessment Locations:

- ~~Seneca II-W Stream Site 7 on Hubberson Gulch (WSH7): located in the middle reaches of Hubberson Gulch~~
Dry Creek Site G-DC-2/WSD5, located at 40°25'18.50"N, 107°15'41.80"W.
- Watering Trough Gulch Site G-WTG-2, located at 40°23'32.38"N, 107°16'24.35"W.
- 005 Gulch Site G-05-2, located at 40°24'26.94"N, 107°15'56.67"W.
- Hubberson Gulch Site G-HG-2/WSHF1, located at 40°23'31.50"N, 107°16'20.40"W.
- ~~Seneca II-W Flume Site 1 on Hubberson Gulch (WSHF1): located on Hubberson Gulch just upstream of its confluence with Dry Creek~~

~~Seneca II-W Stream Site 5 on Dry Creek (WSD5): located in the middle reaches of Dry Creek~~
Selenium Standards:

Selenium(chronic)=9.5 mg/kg dry weight whole body. See section 33.6(4)(h) for fish-tissue assessment method.

Selenium Assessment Locations:

- Dry Creek Site G-DC-1, located at 40°23'45.2"N, 107°16'19.5"W.
- Dry Creek Site G-DC-2/WSD5, located at 40°25'18.50"N, 107°15'41.80"W.

~~(b)(c)~~ Yampa River Segment 13e, ~~Sage Creek: Iron Standards and~~ Assessment Thresholds and Locations for Iron and Selenium

Iron Standards:

Upper Sage Creek: Fe(ch)Iron(chronic)=-1250(Trec), median of all data

Lower Sage Creek: Iron(chronic)=1000(T), median of all data

Break between Upper and Lower Sage Creek is the west border of Section 18, T5N, R87W.

Iron Assessment Locations:

- Yeast Stream Site 2 on Sage Creek (YSS2): located upstream of the west border of Section 18, T5N, R87W

Fe(ch) = 1000(Trec), median of all data

Assessment locations:

- Seneca II-W Stream Site 3 on Sage Creek (WSSF3): located downstream of the west border of Section 18, T5N, R87W

Selenium Standards:

Selenium(chronic)=9.5 mg/kg dry weight whole body. See section 33.6(4)(h) for fish-tissue assessment method.

Selenium Assessment Locations:

- Sage Creek Site G-SC-3, located at 40°26'28.8"N, 107°11'58.7"W.

(d) Yampa River Segment 13g: Standards and Assessment Locations for Selenium

Selenium Standards:

Selenium(chronic)=9.5 mg/kg dry weight whole body. See section 33.6(4)(h) for fish-tissue assessment method.

Selenium Assessment Locations:

- Bond Creek Site G-BC-2, located at 40°24'50.6"N, 107°01'58.0"W.
- Cow Camp Creek Site G-CC-2/SSC10, located at 40°23'51.7"N, 107°01'13.3"W.

(e) Yampa River Segment 13h: Standards and Assessment Locations for Selenium

Selenium Standards:

Lower Dry Creek and tributaries other than Temple Gulch:

March-July: Selenium(acute/chronic)=91.3 / 60.0 µg/L

August-February: Selenium(acute/chronic)=TVS / 6.6 µg/L

Temple Gulch:

March-July: Selenium(acute/chronic)=136.5 / 116.2 µg/L

August-February: Selenium(acute/chronic)=TVS / TVS µg/L

Selenium Assessment Locations

- Dry Creek Site G-DC-3/HGSD1, located at 40°27'26.0"N, 107°15'06.6"W.

- Dry Creek Site G-DC-4, located at 40°28'57.9"N, 107°14'21.1"W.
- Temple Gulch Site G-TG-1, located at 40°27'19.0"N, 107°15'45.0"W.

(f) Yampa River Segment 13i: Standards and Assessment Locations for Iron and Selenium

Iron Standards

Grassy Creek:

March-June: Iron(chronic)=1410(T)
July-February: Iron(chronic)=1000(T)

Little Grassy Creek:

March-June: Iron(chronic)=2000(T)
July-February: Iron(chronic)=1000(T)

Iron Assessment Locations

- Grassy Creek Site G-GC-1A/YSG6, located at 40°23'11.09"N, 107°9'13.31"W.
- Little Grassy Creek Site G-LGC-1A/SSLG5, located at 40°24'53.31"N, 107°07'37.96"W.

Selenium Standards:

Selenium(chronic)=9.5 mg/kg dry weight whole body. See section 33.6(4)(h) for fish-tissue assessment method.

Selenium Assessment Locations

- Grassy Creek Site G-GC-2/SSG2, located at 40°26'44.5"N, 107°08'38.4"W.

(g) Yampa River Segment 13j: Standards and Assessment Locations for Selenium

Selenium Standards:

Lower Grassy Creek:

March-July: Selenium(acute/chronic)=TVS / 6.25 µg/L
August-February: Selenium(acute/chronic)=TVS / TVS µg/L

Annand Draw:

March-July: Selenium(acute/chronic)=25.2 / 19.8 µg/L
August-February: Selenium(acute/chronic)=TVS / TVS µg/L

Scotchmans Gulch:

March-July: Selenium(acute/chronic)=65.8 / 40.9 µg/L
August-February: Selenium(acute/chronic)=TVS / TVS µg/L

Selenium Assessment Locations

- Lower Grassy Creek Site G-GC-3/YSG5, located at 40°26'51.7"N, 107°08'42.8"W.
- Lower Grassy Creek Site G-GC-4, located at 40°28'51.2"N, 107°09'04.4"W.

- Annand Draw Site G-AD-1A, located at 40°26'03.0"N, 107°09'23.5"W.
- Annand Draw Site G-AD-1/NPDES10, located at 40°24'35.4"N, 107°10'04.2"W.
- Scotchmans Gulch Site G-SG-1/YSSG1, located at 40°25'56.9"N, 107°10'02.3"W.
- Scotchmans Gulch Site G-SG-1A, located at 40°26'34.80"N, 107°08'43.93"W.

(h) Fish-Tissue Assessment Method and Permit Implementation for Selenium Whole Body Tissue Standards, Yampa River Segments 13b, 13d, 13e, 13g, and 13i.

The implementation of the chronic tissue-based standards will use a combination of water column and fish tissue data, using a water column trigger value of 8.8 µg/L, as follows:

- Compare the 85th percentile of water column concentrations to the trigger value. If the 85th percentile is lower than the trigger value, the standard is attained. If the 85th percentile is higher than the trigger value, proceed to assessment of fish tissue data.
- Compare the mean fish tissue concentrations (whole body) to the standard elements. If the mean fish tissue concentrations exceed the standard, then the standard is impaired.

For implementation in permitting, the following methods shall apply:

- For discharges that have reached a steady state (i.e., discharges of selenium that have existed at comparable flow and concentration more than 6 months), compare downstream mean fish tissue concentrations to the standard. If the mean fish tissue concentrations are significantly below the tissue-based standard, there is no reasonable potential for the discharge to cause or contribute to an exceedance of the fish tissue standard, and no WQBEL is necessary. Monitoring will be required to document continued steady-state conditions in the discharge.
- If the discharge has reasonable potential, effluent limitations will be required. If the 30-day average effluent concentrations exceed the trigger value, the discharger will be required to accelerate downstream fish tissue sampling. If the mean fish tissue concentrations at the first downstream site with fish exceed the standard, then the effluent limitation is exceeded.

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33.60 STATEMENT OF BASIS, SPECIFIC STATUTORY AUTHORITY AND PURPOSE; DECEMBER 11, 2017 RULEMAKING; FINAL ACTION JANUARY 8, 2018; EFFECTIVE DATE JUNE 30, 2018

The provisions of C.R.S. 25-8-202(1)(a), (b) and (2); 25-8-203; 25-8-204; and 25-8-402; provide the specific statutory authority for adoption of these regulatory amendments. The commission also adopted in compliance with 24-4-103(4) C.R.S. the following statement of basis and purpose.

BASIS AND PURPOSE

Yampa River Segments 13b, 13d, 13e, 13g, 13h, 13i, and 13j: temporary modifications of the iron standards (Segments 13d and 13i, expire 12/31/2018) and the selenium standards (Segments 13b, 13d,

13e, 13g, 13i, expire 12/31/2018) were reviewed. The Commission deleted the iron and selenium temporary modifications on these segments, and adopted site-specific iron and selenium standards on these and additional segments of the Yampa River sub-basin based on evidence submitted by Peabody Sage Creek Mining Company and Seneca Coal Company (Peabody).

IRON

Peabody submitted sufficient data and justification to support ambient-based site-specific total recoverable iron standards for Yampa River Segments 13d and 13i. Data indicate that natural or irreversible conditions within the Yampa River Basin watershed are driving instream concentrations of total recoverable iron. The Commission adopted the following seasonal standards based on the 50th percentile of iron data:

Yampa River Segment 13d:

Dry Creek, Watering Trough Gulch, and 005 Gulch: Iron (chronic) = 1000 (T) µg/L

Hubberson Gulch:

March-June: Iron (chronic) = 2750 (T) µg/L

July-February: Iron (chronic) = 1000 (T) µg/L

Yampa River Segment 13i:

Grassy Creek:

March-June: Iron (chronic) = 1410 (T) µg/L

July-February: Iron (chronic) = 1000 (T) µg/L

Little Grassy Creek,

March-June: Iron (chronic) = 2000 (T) µg/L

July-February: Iron (chronic) = 1000 (T) µg/L

Evidence submitted by Peabody demonstrated that ambient iron concentrations were not inhibiting the attainment of the limited aquatic use; the aquatic life use on these segments is limited due to the lack of water and flow throughout much of the drainage. Therefore, based on analysis of the benthic macroinvertebrate community, ambient standards are protective of the highest attainable use in these segments.

The Commission specified assessment locations for the iron standards at section 33.6(4), to ensure that future assessment is consistent with the methods used to derive the standards.

The Commission removed the temporary modifications for iron of “current condition” that had previously been in place for Yampa River Segments 13d and 13i.

SELENIUM

Peabody submitted sufficient data and justification to support selenium site-specific standards for Yampa River Segments 13b, 13d, 13e, 13g, 13h, 13i, and 13j.

The Yampa River sub-basin has limited water throughout many of the drainages, which affects the ability of these streams to support robust aquatic populations or for fish communities to develop and persist from year-to-year. The variability in available flow is one of the determining characteristics for evaluation of the potential for these streams to provide suitable habitat, especially in the upper extent of the segments. Concentrations of selenium in fish (where present) and invertebrate tissues are low in upper reaches, with increasing concentrations in the lower reaches, largely in response to the influx of groundwater with naturally occurring selenium from underlying geology, especially from un-mined tributaries.

In July 2016, the EPA released updated aquatic life ambient water quality criteria for selenium. In addition to the updated chronic water column criteria, the new criteria document included criteria for fish tissue, consisting of egg/ovary and whole body/muscle elements. Due to the bioaccumulative properties of selenium, EPA set the fish tissue criteria to take precedence over the water column criteria, and set the egg/ovary element to take precedence over the whole body/muscle element. In September 2016, EPA released draft support documents to accompany the selenium criteria; the support documents have not yet been finalized.

Peabody evaluated the available final and draft information from the EPA, and based on these documents proposed site-specific selenium standards for multiple Yampa River Segments.

The Commission adopted site-specific chronic selenium standards on segments 13b, 13d, 13e, 13g, and 13i of 9.5 mg/kg dry weight whole body tissue. These standards are based on a targeted recalculation of the EPA 304(a) fish tissue criteria, after removing the most sensitive species in the EPA database, white sturgeon, which is not found in the Colorado basin and is not a surrogate for another species. The Commission did not adopt egg ovary standards on segments 13b, 13d, 13e, 13g, or 13i due to site-specific considerations, namely the small population of fish in these reaches, as well as the often limited number of gravid fish from which to collect egg samples. Additionally, values based on muscle tissue or muscle plugs were not considered as the fish in these segments are too small for a muscle plug to be taken.

Recognizing the practical difficulties of collecting fish tissue data, the implementation of the chronic tissue-based standards will use a combination of water column and fish tissue data, using a trigger value of 8.8 µg/L, as follows:

- Assessment
 - Compare the 85th percentile of water column concentrations to the trigger value. If the 85th percentile is lower than the trigger value, the standard is attained. If the 85th percentile is higher than the trigger value, proceed to assessment of fish tissue data.
 - Compare the mean fish tissue concentrations (whole body) to the standard elements. If the mean fish tissue concentrations exceed the standard, then the standard is impaired.
- Permitting
 - For discharges that have reached a steady state (i.e., discharges of selenium that have existed at comparable flow and concentration more than 6 months), compare downstream mean fish tissue concentrations to the standard. If the mean fish tissue concentrations are significantly below the tissue-based standard, there is no reasonable potential for the discharge to cause or contribute to an exceedance of the fish tissue standard, and no WQBEL is necessary. Monitoring will be required to document continued steady-state conditions in the discharge.
 - If the discharge has reasonable potential, effluent limitations will be required. If the 30-day average effluent concentrations exceed the trigger value, the discharger will be required to accelerate downstream fish tissue sampling. If the mean fish tissue concentrations at the first downstream site with fish exceed the standard, then the effluent limitation is exceeded.

The water column trigger value of 8.8 µg/L was chosen based on re-calculations using Colorado-specific data from the National EPA database. This value is more appropriate than the national lotic criterion or existing table value standard, given that Colorado has specific selenium issues not present in other states.

The Commission adopted site-specific ambient-based selenium standards on segments 13h and 13j. Data indicate that natural or irreversible conditions within the Yampa Basin watershed are driving instream concentrations of selenium. The Commission adopted the following standards:

Yampa River Segment 13h:

Lower Dry Creek and tributaries other than Temple Gulch:

March-July: Selenium (acute/chronic) = 91.3 / 60.0 µg/L

August-February: Selenium (acute/chronic) = TVS / 6.6 µg/L

Temple Gulch:

March-July: Selenium (acute/chronic) = 136.5 / 116.2 µg/L

August-February: Selenium (acute/chronic) = TVS / TVS µg/L

Yampa River Segment 13j:

Lower Grassy Creek:

March-July: Selenium (acute/chronic) = TVS / 6.25 µg/L

August-February: Selenium (acute/chronic) = TVS / TVS µg/L

Annand Draw:

March-July: Selenium (acute/chronic) = 25.2 / 19.8 µg/L

August-February: Selenium (acute/chronic) = TVS / TVS µg/L

Scotchmans Gulch:

March-July: Selenium (acute/chronic) = 65.8 / 40.9 µg/L

August-February: Selenium (acute/chronic) = TVS / TVS µg/L

The Commission specified assessment locations for the selenium standards at section 33.6(4), to ensure that future assessment is consistent with the methods used to derive the standards.

The Commission removed the temporary modifications for selenium of “current condition” that had previously been in place for Yampa River Segments 13b, 13d, 13e, 13g, and 13i. The Commission recognizes that potential changes may be warranted to segment boundaries to fully address selenium issues in the Yampa River Basin.

TYPOGRAPHICAL AND OTHER CORRECTIONS

Finally, the Commission made edits to improve clarity and correct typographical errors in section 33.6(4) and the corresponding tables for Yampa River sub-basin segments, including:

- The assessment criteria for Yampa River segment 13b was moved from 33.6(4)(c) to 33.6(4)(a) to improve clarity in assessing, as multiple additional assessment criteria were added to this subsection 33.6(4). This resulted in shifting the subsections of the existing assessment information for Yampa River segments 13d and 13e.
- Certain abbreviations in subsection 33.6(4) were updated to match formatting changes adopted in January 2016, i.e., Fe was changed to Iron, ch was changed to chronic, Trec was changed to T, months were spelled out instead of abbreviated.
- Certain formatting changes were made in subsection 33.6(4) to improve readability of the section given the addition of information for assessment purposes, including rearranging and adding clarifying information for the iron standards and assessment locations for Yampa River Segment 13e. No substantive changes were made to the iron standards and iron assessment locations for segment 13e.
- The reference to section 33.6(4) for assessment locations for iron in the table for Yampa River Segment 13h was removed, as there is no assessment criteria for iron for this segment.

**COLORADO DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT
WATER QUALITY CONTROL COMMISSION**

5 CCR 1002-33

**REGULATION NO. 33
CLASSIFICATIONS AND NUMERIC STANDARDS
FOR
UPPER COLORADO RIVER BASIN AND
NORTH PLATTE RIVER (PLANNING REGION 12)**

**APPENDIX 33-1
Stream Classifications and Water Quality Standards Tables**

Effective 06/30/~~2017~~2018

REGULATION #33 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

Yampa River Basin

13b. Mainstem of Foidel Creek, including all tributaries and wetlands. Mainstem Fish Creek, including all tributaries from County Road 27 downstream to the confluence with Trout Creek, except for specific listings in Segment 13g. Middle Creek and all tributaries, from County Road 27 downstream to the confluence with Trout Creek.						
COUCYA13B	Classifications	Physical and Biological			Metals (ug/L)	
Designation	Agriculture	DM		MWAT	acute	chronic
Reviewable	Aq Life Warm 1	Temperature °C	WS-II	WS-II	Aluminum	---
	Recreation E		acute	chronic	Arsenic	340
Qualifiers:		D.O. (mg/L)	---	6.0	Beryllium	---
		D.O. (spawning)	---	7.0	Cadmium	TVS(tr)
Other:		pH	6.5 - 9.0	---	Chromium III	TVS
		chlorophyll a (mg/m ²)	---	150	Chromium III	---
Temporary Modification(s): Selenium(chronic) = current conditions* Expiration Date of 12/31/2018 *Iron(chronic) = See section 33.6(4) for iron assessment locations. *Iron(chronic) = 2,090(T) ug/L for Middle Creek. See section 33.6(4) for iron assessment locations. *TempMod: Selenium = for Foidel and Middle Creeks. *Selenium(chronic) = 9.5 mg/kg dry weight whole body. See section 33.6(4) for selenium assessment locations and fish-tissue assessment method.		E. Coli (per 100 mL)	---	126	Chromium VI	TVS
					Copper	TVS
		Inorganic (mg/L)			Iron	---
			acute	chronic	Iron	3/1 - 6/30
		Ammonia	TVS	TVS	Lead	TVS
		Boron	---	0.75	Manganese	TVS
		Chloride	---	---	Mercury	---
		Chlorine	0.019	0.011	Molybdenum	---
		Cyanide	0.005	---	Nickel	TVS
		Nitrate	100	---	Selenium	TVS
		Nitrite	---	0.05	Silver	TVS
		Phosphorus	---	0.11	Uranium	---
		Sulfate	---	---	Zinc	TVS
		Sulfide	---	0.002		
13c. Mainstem of Trout Creek from the headgate of Spruce Hill Ditch (approximately 2,500 feet north of where County Road 27 crosses Trout Creek) to its confluence with Fish Creek. All tributaries to Trout Creek from the headgate of Spruce Hill Ditch (approximately 2,500 feet north of where County Road 27 crosses Trout Creek) to County Road 179 except for specific listings in 13b.						
COUCYA13C	Classifications	Physical and Biological			Metals (ug/L)	
Designation	Agriculture	DM		MWAT	acute	chronic
Reviewable	Aq Life Cold 1	Temperature °C	CS-II	CS-II	Aluminum	---
	Recreation E		acute	chronic	Arsenic	340
Qualifiers:		D.O. (mg/L)	---	6.0	Beryllium	---
		D.O. (spawning)	---	7.0	Cadmium	TVS(tr)
Other:		pH	6.5 - 9.0	---	Chromium III	TVS*
		chlorophyll a (mg/m ²)	---	150	Chromium III	---
Temporary Modification(s): Arsenic(chronic) = hybrid Expiration Date of 12/31/2021 *Nitrate(acute) = 10 mg/L from 6/1 - 2/29 *Arsenic(chronic) = 0.02(T) ug/L from 6/1 - 2/29 *Chromium III(acute) = 50(T) ug/L from 6/1 - 2/29 *Manganese(chronic) = WS from 6/1 - 2/29		E. Coli (per 100 mL)	---	126	Chromium VI	TVS
					Copper	TVS
		Inorganic (mg/L)			Iron	6/1 - 2/29
			acute	chronic	Iron	---
		Ammonia	TVS	TVS	Lead	TVS
		Boron	---	0.75	Manganese	TVS
		Chloride	6/1 - 2/29	250	Mercury	---
		Chlorine	0.019	0.011	Molybdenum	---
		Cyanide	0.005	---	Nickel	TVS
		Nitrate	100*	---	Selenium	TVS
		Nitrite	---	0.05	Silver	TVS
		Phosphorus	---	0.11	Uranium	---
		Sulfate	6/1 - 2/29	WS	Zinc	TVS
		Sulfide	---	0.002		

REGULATION #33 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

Yampa River Basin

13d. Mainstem of Dry Creek, including all tributaries and wetlands, from the source to just above the confluence with Temple Gulch.							
COUCYA13D	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture		DM	MWAT		acute	chronic
UP	Aq Life Warm 2	Temperature °C	WS-II	WS-II	Aluminum	---	---
	Recreation E		acute	chronic	Arsenic	340	100(T)
Qualifiers:		D.O. (mg/L)	---	5.0	Beryllium	---	---
Other:		pH	6.5 - 9.0	---	Cadmium	TVS	TVS
Temporary Modification(s):		chlorophyll a (mg/m²)	---	150	Chromium III	TVS	TVS
Iron(chronic) = current condition		E. Coli (per 100 mL)	---	126	Chromium III	---	100(T)
Expiration Date of 12/31/2018		Inorganic (mg/L)			Chromium VI	TVS	TVS
Selenium(chronic) = current conditions			acute	chronic	Copper	TVS	TVS
Expiration Date of 12/31/2018		Ammonia	TVS	TVS	Iron	57/1 - 2/29	---
*Iron(chronic), 7/1-2/29 = 1,000(T) ug/L. See section 33.6(4) for iron assessment locations.		Boron	---	0.75	Iron	3/1 - 46/30	---
*Iron(chronic), 3/1-6/30 = 1,000(T) ug/L on Dry Creek, Watering Trough Gulch, and 005 Gulch. See section 33.6(4) for iron assessment locations.		Chloride	---	---	Iron	3/1 - 6/30	---
*Iron(chronic), 3/1-6/30 = 2750(T) ug/L on Hubberson Gulch. See section 33.6(4) for iron assessment locations.		Chlorine	0.019	0.011	Lead	TVS	TVS
*Selenium(chronic) = 9.5 mg/kg dry weight whole body. See section 33.6(4) for selenium assessment locations and fish-tissue assessment method.		Cyanide	0.005	---	Manganese	TVS	TVS
		Nitrate	100	---	Mercury	---	0.01(t)
		Nitrite	---	0.05	Molybdenum	---	160(T)
		Phosphorus	---	0.17	Nickel	TVS	TVS
		Sulfate	---	---	Selenium	TVS	TVSTissue*
		Sulfide	---	0.002	Silver	TVS	TVS
					Uranium	---	---
					Zinc	TVS	TVS

13e. Mainstem of Sage Creek, including all tributaries and wetlands, from its sources to the confluence with the Yampa River.							
COUCYA13E	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture		DM	MWAT		acute	chronic
UP	Aq Life Warm 2	Temperature °C	WS-II	WS-II	Aluminum	---	---
	Recreation N		acute	chronic	Arsenic	340	100(T)
Qualifiers:		D.O. (mg/L)	---	5.0	Beryllium	---	---
Other:		pH	6.5 - 9.0	---	Cadmium	TVS	TVS
Temporary Modification(s):		chlorophyll a (mg/m²)	---	---	Chromium III	TVS	TVS
Selenium(chronic) = current conditions		E. Coli (per 100 mL)	---	630	Chromium III	---	100(T)
Expiration Date of 12/31/2018		Inorganic (mg/L)			Chromium VI	TVS	TVS
*Iron(chronic) = 1,000(T) ug/L on Lower Sage Creek. See section 33.6(4) for iron assessment locations.			acute	chronic	Copper	TVS	TVS
Iron(chronic) = 1,250(T) ug/L on Upper Sage Creek. Break between Upper and Lower Sage Creek is the west border of Section 18, T5N, R87W. See section 33.6(4) for iron assessment locations.		Ammonia	TVS	TVS	Iron	---	1000(T)
Selenium(chronic) = 9.5 mg/kg dry weight whole body. See section 33.6(4) for selenium assessment locations and fish-tissue assessment method.		Boron	---	0.75	Iron	---	1250(T)
		Chloride	---	---	Lead	TVS	TVS
		Chlorine	0.019	0.011	Manganese	TVS	TVS
		Cyanide	0.005	---	Mercury	---	0.01(t)
		Nitrate	100	---	Molybdenum	---	160(T)
		Nitrite	---	0.05	Nickel	TVS	TVS
		Phosphorus	---	0.17	Selenium	TVS	TVSTissue*
		Sulfate	---	---	Silver	TVS	TVS
		Sulfide	---	0.002	Uranium	---	---
					Zinc	TVS	TVS

13e. Mainstem of Sage Creek, including all tributaries and wetlands, from its sources to the confluence with the Yampa River.							
COUCYA13E		Classifications		Physical and Biological		Metals (ug/L)	
Designation	Agriculture		DM	MWAT		acute	chronic
UP	Aq Life Warm 2	Temperature °C	WS-II	WS-II	Aluminum	---	---
	Recreation N		acute	chronic	Arsenic	340	100(T)
Qualifiers:		D.O. (mg/L)	---	5.0	Beryllium	---	---
Other:		pH	6.5 - 9.0	---	Cadmium	TVS	TVS
Temporary Modification(s):		chlorophyll a (mg/m²)	---	---	Chromium III	TVS	TVS
Selenium(chronic) = current conditions		E. Coli (per 100 mL)	---	630	Chromium III	---	100(T)
Expiration Date of 12/31/2018		Inorganic (mg/L)			Chromium VI	TVS	TVS
*Iron(chronic) = 1,000(T) ug/L on Lower Sage Creek. See section 33.6(4) for iron assessment locations.			acute	chronic	Copper	TVS	TVS
Iron(chronic) = 1,250(T) ug/L on Upper Sage Creek. Break between Upper and Lower Sage Creek is the west border of Section 18, T5N, R87W. See section 33.6(4) for iron assessment locations.		Ammonia	TVS	TVS	Iron	---	1000(T)
Selenium(chronic) = 9.5 mg/kg dry weight whole body. See section 33.6(4) for selenium assessment locations and fish-tissue assessment method.		Boron	---	0.75	Iron	---	1250(T)
		Chloride	---	---	Lead	TVS	TVS
		Chlorine	0.019	0.011	Manganese	TVS	TVS
		Cyanide	0.005	---	Mercury	---	0.01(t)
		Nitrate	100	---	Molybdenum	---	160(T)
		Nitrite	---	0.05	Nickel	TVS	TVS
		Phosphorus	---	0.17	Selenium	TVS	TVS Tissue*
		Sulfate	---	---	Silver	TVS	TVS
		Sulfide	---	0.002	Uranium	---	---
					Zinc	TVS	TVS

REGULATION #33 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

Yampa River Basin

13f. Mainstem of Trout Creek, including all tributaries and wetlands, from a point immediately below its confluence with Fish Creek to the confluence with the Yampa River.						
COUCYA13F	Classifications	Physical and Biological			Metals (ug/L)	
Designation	Agriculture	DM	MWAT		acute	chronic
Reviewable	Aq Life Cold 1	Temperature °C	CS-II	CS-II	Aluminum	---
	Recreation E	acute	chronic		Arsenic	340
	Water Supply	D.O. (mg/L)	---	6.0	Beryllium	---
Qualifiers:		D.O. (spawning)	---	7.0	Cadmium	TVS(tr)
Other:		pH	6.5 - 9.0	---	Chromium III	50(T)
Temporary Modification(s):		chlorophyll a (mg/m ²)	---	150	Chromium VI	TVS
Arsenic(chronic) = hybrid		E. Coli (per 100 mL)	---	126	Copper	TVS
Expiration Date of 12/31/2021		Inorganic (mg/L)			Iron	---
		acute	chronic		Iron	---
		Ammonia	TVS	TVS	Lead	TVS
		Boron	---	0.75	Manganese	TVS
		Chloride	---	250	Manganese	---
		Chlorine	0.019	0.011	Mercury	---
		Cyanide	0.005	---	Molybdenum	---
		Nitrate	10	---	Nickel	TVS
		Nitrite	---	0.05	Selenium	TVS
		Phosphorus	---	0.11	Silver	TVS
		Sulfate	---	WS	Uranium	---
		Sulfide	---	0.002	Zinc	TVS

13g. All tributaries to Fish Creek from the confluence with Cow Camp Creek to the confluence with Trout Creek,						
COUCYA13G	Classifications	Physical and Biological			Metals (ug/L)	
Designation	Agriculture	DM	MWAT		acute	chronic
Reviewable	Aq Life Warm 1	Temperature °C	WS-II	WS-II	Aluminum	---
	Recreation E	acute	chronic		Arsenic	340
Qualifiers:		D.O. (mg/L)	---	5.0	Beryllium	---
Other:		pH	6.5 - 9.0	---	Cadmium	TVS(tr)
Temporary Modification(s):		chlorophyll a (mg/m ²)	---	150	Chromium III	TVS
Selenium(chronic) = current conditions		E. Coli (per 100 mL)	---	126	Chromium VI	TVS
Expiration Date of 12/31/2018		Inorganic (mg/L)			Copper	TVS
*Selenium(chronic) = 9.5 mg/kg dry weight whole body. See section 33.6(4) for selenium assessment locations and fish-tissue assessment method.		acute	chronic		Iron	---
		Ammonia	TVS	TVS	Lead	TVS
		Boron	---	0.75	Manganese	TVS
		Chloride	---	---	Mercury	---
		Chlorine	0.019	0.011	Molybdenum	---
		Cyanide	0.005	---	Nickel	TVS
		Nitrate	100	---	Selenium	TVS
		Nitrite	---	0.05	Silver	TVS
		Phosphorus	---	0.17	Uranium	---
		Sulfate	---	---	Zinc	TVS
		Sulfide	---	0.002		

REGULATION #33 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

Yampa River Basin

13h. Mainstem of Dry Creek, including all tributaries and wetlands, from the confluence with Temple Gulch to the confluence with the Yampa River near Hayden.					
COUCYA13H	Classifications	Physical and Biological		Metals (ug/L)	
Designation	Agriculture	DM	MWAT	acute	chronic
UP	Aq Life Warm 2	WS-II	WS-II	Aluminum	---
	Recreation E	acute	chronic	Arsenic	340
Qualifiers: Other: <u>*Iron(chronic) = See section 33.6(4) for iron assessment locations.</u> <u>*Selenium(acute) = See section 33.6(4) for selenium site-specific standards and assessment locations.</u> <u>*Selenium(chronic) = See section 33.6(4) for selenium site-specific standards and assessment locations.</u>	D.O. (mg/L)	---	5.0	Beryllium	---
	pH	6.5 - 9.0	---	Cadmium	TVS(T)
	chlorophyll a (mg/m ²)	---	150	Chromium III	TVS
	E. Coli (per 100 mL)	---	126	Chromium VI	TVS
	Inorganic (mg/L)			Copper	TVS
	acute	chronic		Iron	---
	Ammonia	TVS	TVS	Lead	TVS
	Boron	---	0.75	Manganese	TVS
	Chloride	---	---	Mercury	---
	Chlorine	0.019	0.011	Molybdenum	---
	Cyanide	0.005	---	Nickel	TVS
	Nitrate	100	---	Selenium	<u>TVSvaries*</u>
	Nitrite	---	0.05	Silver	TVS
	Phosphorus	---	0.17	Uranium	---
	Sulfate	---	---	Zinc	TVS
	Sulfide	---	0.002		
13i. Mainstem of Grassy Creek, including all tributaries and wetlands, from the source to immediately above the confluence with Scotchmans Gulch.					
COUCYA13I	Classifications	Physical and Biological		Metals (ug/L)	
Designation	Agriculture	DM	MWAT	acute	chronic
UP	Aq Life Warm 2	WS-II	WS-II	Aluminum	---
	Recreation N	acute	chronic	Arsenic	340
Qualifiers: Other: <u>Temporary Modification(s):</u> <u>Iron(chronic) = current conditions*</u> <u>Expiration Date of 12/31/2018</u> <u>Selenium(chronic) = current conditions</u> <u>Expiration Date of 12/31/2018</u> <u>*Iron(chronic), 7/1-2/29 = 1000(T) ug/L. See section 33.6(4) for iron assessment locations.</u> <u>*Iron(chronic), 3/1-6/30 = 1410(T) ug/L on Grassy Creek. See section 33.6(4) for iron assessment locations.</u> <u>*Iron(chronic), 3/1-6/30 = 2000(T) ug/L on Little Grassy Creek. See section 33.6(4) for iron assessment locations.</u> <u>*Selenium(chronic) = 9.5 mg/kg dry weight whole body. See section 33.6(4) for selenium assessment locations and fish-tissue assessment method.</u> <u>*TempMod: Iron = for Grassy Creek.</u>	D.O. (mg/L)	---	5.0	Beryllium	---
	pH	6.5 - 9.0	---	Cadmium	TVS
	chlorophyll a (mg/m ²)	---	---	Chromium III	TVS
	E. Coli (per 100 mL)	---	630	Chromium VI	TVS
	Inorganic (mg/L)			Copper	TVS
	acute	chronic		Iron	<u>7/1-2/29</u>
	Ammonia	TVS	TVS	<u>Iron</u>	<u>3/1-6/30</u>
	Boron	---	0.75	<u>Iron</u>	<u>3/1-6/30</u>
	Chloride	---	---	Lead	TVS
	Chlorine	0.019	0.011	Manganese	TVS
	Cyanide	0.005	---	Mercury	---
	Nitrate	100	---	Molybdenum	---
	Nitrite	---	0.05	Nickel	TVS
	Phosphorus	---	0.17	Selenium	TVS
	Sulfate	---	---	Silver	TVS
	Sulfide	---	0.002	Uranium	---
				Zinc	TVS

REGULATION #33 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

Yampa River Basin

13j. Mainstem of Grassy Creek, including all tributaries and wetlands, from the confluence with Scotchmans Gulch to the confluence with the Yampa River near Hayden.						
COUCYA13J	Classifications	Physical and Biological			Metals (ug/L)	
Designation	Agriculture		DM	MWAT	acute	chronic
UP	Aq Life Warm 2	Temperature °C	WS-II	WS-II	Aluminum	---
	Recreation N		acute	chronic	Arsenic	100(T)
Qualifiers:		D.O. (mg/L)	---	5.0	Beryllium	---
Other:		pH	6.5 - 9.0	---	Cadmium	TVS
		chlorophyll a (mg/m ²)	---	---	Chromium III	TVS
		E. Coli (per 100 mL)	---	630	Chromium VI	TVS
		Inorganic (mg/L)			Copper	TVS
			acute	chronic	Iron	1000(T)
		Ammonia	TVS	TVS	Lead	TVS
		Boron	---	0.75	Manganese	TVS
		Chloride	---	---	Mercury	0.01(t)
		Chlorine	0.019	0.011	Molybdenum	160(T)
		Cyanide	0.005	---	Nickel	TVS
		Nitrate	100	---	Selenium	3/1-6/30 TVSvaries*
		Nitrite	---	0.05	Silver	TVS
		Phosphorus	---	0.17	Uranium	---
		Sulfate	---	---	Zinc	TVS
		Sulfide	---	0.002		

*Selenium(acute) = See section 33.6(4) for ~~selenium~~ site-specific standards and assessment locations.

*Selenium(chronic) = See section 33.6(4) for ~~selenium~~ site-specific standards and assessment locations.

EXHIBIT 7
TRI-STATE GENERATION AND TRANSMISSION ASSOCIATION, INC.

DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT

Water Quality Control Commission

REGULATION NO. 37 - CLASSIFICATIONS AND NUMERIC STANDARDS FOR LOWER COLORADO RIVER BASIN

5 CCR 1002-37

37.6 TABLES

...

(4) Assessment Criteria

...

(c) Lower Colorado Segment 4e Iron Standards and Assessment

Unnamed Tributary, Iron (chronic) = 3500 (T) µg/L, assessment location as follows:

- UT-2: Unnamed Tributary, immediately downstream of the Tri-State Rifle Station discharge (39.519572, -107.729424)

Dry Creek and remaining tributaries and wetlands, Iron (chronic) = 5900 (T) µg/L, assessment location as follows:

- DC-2: Dry Creek, downstream of dry tributary channel entering from the east from the Garfield County Airport (39.523944, -107.73496)

....

37.39 STATEMENT OF BASIS, SPECIFIC STATUTORY AUTHORITY AND PURPOSE; DECEMBER 11, 2017 RULEMAKING; FINAL ACTION JANUARY 8, 2018; EFFECTIVE DATE JUNE 30, 2018

The provisions of C.R.S. 25-8-202(1)(a), (b) and (2); 25-8-203; 25-8-204; and 25-8-402; provide the specific statutory authority for adoption of these regulatory amendments. The commission also adopted in compliance with 24-4-103(4) C.R.S. the following statement of basis and purpose.

BASIS AND PURPOSE

Lower Colorado River Segment 4e: temporary modifications of the iron (expire 12/31/2018) and copper (expire 12/31/2019) standards on Lower Colorado Segment 4e were reviewed. The Commission deleted the iron temporary modification and adopted site-specific iron standards based on the evidence submitted

by Tri-State Generation and Transmission Association, Inc. Tri-State also presented evidence that it is making progress on the plan for eliminating the need for the copper temporary modification.

IRON

Tri-State submitted sufficient data and justification to support two ambient-based site-specific total recoverable iron standards for Segment 4e: one based on data from the Unnamed Tributary (Site UT-2) located immediately below Tri-State Rifle Station's discharge, and one based on data from a downstream site on Dry Creek (Site DC-2), the furthest downstream sample site. Data were included from samples taken at times when no discharge from the Rifle Station was occurring to represent the natural iron concentrations. These data indicated that natural sources of ambient iron present within the Dry Creek watershed are driving the instream concentrations of total recoverable iron detected at sample locations downstream of the Tri-State Rifle Station. The Commission adopted a standard of 3500 µg/L for the Unnamed Tributary, and a standard of 5900 µg/L for the remaining parts of the segment, as a conservative approach based on background conditions. Evidence submitted by Tri-State demonstrated that ambient iron concentrations were not inhibiting the attainment of the limited aquatic use. Therefore, ambient iron concentrations provide a reasonable basis for site-specific standards, which are expected to protect the aquatic community.

The Commission specified assessment locations for the two iron standards at section 37.6(4)(c) to ensure that future assessment is consistent with the methods used to derive the standards.

The Commission removed the temporary modification for iron of "current condition" that had previously been in place for Lower Colorado Segment 4e.

COPPER

The Commission considered the temporary modification for copper for Lower Colorado Segment 4e. Tri-State continues to make progress on the temporary modification of the copper standard, and plans to propose standards at the June 2019 basin rulemaking.

**COLORADO DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT
WATER QUALITY CONTROL COMMISSION**

5 CCR 1002-37

**REGULATION NO. 37
CLASSIFICATIONS AND NUMERIC STANDARDS
FOR
LOWER COLORADO RIVER BASIN**

**APPENDIX 37-1
Stream Classifications and Water Quality Standards Tables**

Effective 06/30/~~2017~~2018

REGULATION #37 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

Lower Colorado River

4e. Mainstem of Dry Creek including all tributaries and wetlands from the source to immediately above the Last Chance Ditch.						
COLCLC04E	Classifications	Physical and Biological			Metals (ug/L)	
Designation	Agriculture		DM	MWAT	acute	chronic
UP	Aq Life Cold 2	Temperature °C	CS-II	CS-II	Aluminum	---
	Recreation N		acute	chronic	Arsenic	340
Qualifiers:		D.O. (mg/L)	---	5.0	Beryllium	---
Other:		pH	6.5 - 9.0	---	Cadmium	TVS
Temporary Modification(s):		chlorophyll a (mg/m²)	---	---	Chromium III	TVS
Copper(ac/ch) = current conditions		E. Coli (per 100 mL)	---	630	Chromium III	---
Expiration Date of 12/31/2019		Inorganic (mg/L)			Chromium VI	TVS
Iron(chronic) = current conditions			acute	chronic	Copper	TVS
Expiration Date of 12/31/2018		Ammonia	TVS	TVS	Iron	---
*Iron(chronic) = See section 37.6(4) for iron assessment locations.		Boron	---	0.75	Iron	---
*Iron(chronic) = 3500 (T) ug/L on Unnamed Tributary. See section 37.6(4) for iron assessment locations.		Chloride	---	---	Lead	TVS
*Phosphorus(chronic) = applies only above the facilities listed at 37.5(4).		Chlorine	0.019	0.011	Manganese	TVS
		Cyanide	0.005	---	Mercury	---
		Nitrate	100	---	Molybdenum	---
		Nitrite	---	0.05	Nickel	TVS
		Phosphorus	---	0.11*	Selenium	TVS
		Sulfate	---	---	Silver	TVS
		Sulfide	---	0.002	Uranium	---
					Zinc	TVS

Notice of Proposed Rulemaking

Tracking number

2017-00354

Department

1000 - Department of Public Health and Environment

Agency

1002 - Water Quality Control Commission (1002 Series)

CCR number

5 CCR 1002-37

Rule title

REGULATION NO. 37 - CLASSIFICATIONS AND NUMERIC STANDARDS FOR LOWER COLORADO RIVER BASIN

Rulemaking Hearing**Date**

12/11/2017

Time

12:00 PM

Location

Sabin Conference Room, CDPHE, 4300 Cherry Creek Drive South, Denver, CO 80246

Subjects and issues involved

new temporary modifications and revisions to current temporary modifications of water quality standards expiring on or before December 31, 2019, and new site specific standards that allow for the deletion of current temporary modifications expiring on or before December 31, 2019

Statutory authority

sections 25-8-202(1)(a), (b), and (2); 25-8-203; 25-8-204; and 25-8-402, C.R.S.

Contact information**Name**

Blake Beyea

Title

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COLORADO

Water Quality Control Commission

Department of Public Health & Environment

NOTICE OF PUBLIC RULEMAKING HEARING BEFORE THE COLORADO WATER QUALITY CONTROL COMMISSION

SUBJECT:

For consideration of the adoption of new temporary modifications and revisions to current temporary modifications of water quality standards expiring on or before December 31, 2019, and new site specific standards that allow for the deletion of current temporary modifications expiring on or before December 31, 2019, for multiple segments in the Classifications and Numeric Standards for:

- Arkansas River Basin, Regulation #32 (5 CCR 1002-32);
- Upper Colorado River Basin and North Platte River, Regulation #33 (5 CCR 1002-33);
- Rio Grande Basin, Regulation #36 (5 CCR 1002-36);
- Lower Colorado River Basin, Regulation #37 (5 CCR 1002-37); and
- South Platte River Basin, Laramie River Basin, Republican River Basin, Smoky Hill River Basin, Regulation #38 (5 CCR 1002-38).

Proposed revisions and proposed Statements of Basis, Specific Statutory Authority and Purpose have been submitted by the following:

- Exhibit 1 - Regulation #32, Water Quality Control Division (division);
- Exhibit 2 - Regulation #33, division;
- Exhibit 3 - Regulation #36, division;
- Exhibit 4 - Regulation #37, division;
- Exhibit 5 - Regulation #38, division;
- Exhibit 6 - Regulation #33, Peabody Sage Creek Mining Company and Seneca Coal Company (Peabody_Seneca); and
- Exhibit 7 - Regulation #37, Tri-State Generation and Transmission Association, Inc. (Tri-State).

In these attachments, proposed new language is shown with double-underlining and proposed deletions are shown with ~~strikeouts~~. Any alternative proposals related to proposed new temporary modifications or current temporary modifications identified in Exhibits 1 through 7, with expiration dates on or before December 31, 2019, will also be considered.

SCHEDULE OF IMPORTANT DATES

Proponent's prehearing statement due	09/27/2017 5 pm	Additional information below.
Party status requests due	10/04/2017 5 pm	Additional information below.
Responsive prehearing statements due	10/27/2017 5 pm	Additional information below.

Rebuttal statements due	11/22/2017 5 pm	Additional information below.
Last date for submittal of motions	11/27/2017 5 pm	Additional information below.
Notify commission office if participating in prehearing conference by phone	11/27/2017 by noon	Send email to cdphe.wqcc@state.co.us with participant(s) name(s)
Prehearing Conference (mandatory for parties)	11/28/2017 2:00 pm	Florence Sabin Conference Room Department of Public Health and Environment 4300 Cherry Creek Drive South Denver, CO 80246 Call-in: 1-857-216-6700, Code: 425132
Rulemaking Hearing	12/11/2017 12:00 pm	Florence Sabin Conference Room Department of Public Health and Environment 4300 Cherry Creek Drive South Denver, CO 80246

HEARING SUBMITTALS:

For this hearing, the commission will receive all submittals electronically. Submittals must be provided as PDF documents, except for raw data exhibits which may be provided as Excel workbooks. Submittals may be emailed to cdphe.wqcc@state.co.us, provided via an FTP site, CD or flash drive, or otherwise conveyed to the commission office so as to be received no later than the specified date.

PARTY STATUS:

Party status requests must be in writing and must provide:

- the organization's name,
- one contact person,
- a mailing address,
- a phone number, and
- email addresses of all individuals associated with the party who wish to be notified when new submittals are available on the commission's website for review.

In accordance with section 25-8-104(2)(d), C.R.S., any person who believes that the actions proposed in this notice have the potential to cause material injury to his or her water rights is requested to so indicate, along with an explanation of the alleged harm, in their party status request.

PREHEARING AND REBUTTAL STATEMENTS:

Each party must submit a prehearing statement: parties that have proposed revisions attached as exhibits to the notice must submit a proponent's prehearing statement. All other parties must submit a responsive prehearing statement. Proponents may also submit responsive prehearing statements when there are multiple proposals attached to the notice.

Each prehearing and rebuttal statement must be provided as a separate PDF document from any accompanying written testimony or exhibits.

Following the rebuttal statement due date, no other written materials will be accepted from parties except for good cause shown.

Oral testimony at the hearing should primarily summarize written material previously submitted. The hearing will emphasize commission questioning of parties and other interested persons about their written prehearing submittals. Introduction of written material at the hearing by those with party status will not be permitted unless authorized by the commission.

PREHEARING CONFERENCE:

Attendance at the prehearing conference is mandatory for all persons requesting party status. Parties needing to participate by telephone are encouraged to notify the commission office prior to the prehearing conference. Remote participants can call 1-857-216-6700 and enter the conference code 425132.

Following the cut-off date for motions, no motions will be accepted, except for good cause shown.

PUBLIC PARTICIPATION ENCOURAGED:

The commission encourages input from non-parties, either orally at the hearing or in writing prior to the hearing. Written submissions should be emailed to cdphe.wgccc@state.co.us by November 29, 2017.

SPECIFIC STATUTORY AUTHORITY:

The provisions of sections 25-8-202(1)(a), (b), and (2); 25-8-203; 25-8-204; and 25-8-402, C.R.S., provide the specific statutory authority for consideration of the regulatory amendments proposed by this notice. Should the commission adopt the regulatory language as proposed in this notice or alternative amendments, it will also adopt, in compliance with section 24-4-103(4) C.R.S., an appropriate Statement of Basis, Specific Statutory Authority, and Purpose.

Dated this 8th day of August, 2017 at Denver, Colorado.

WATER QUALITY CONTROL COMMISSION



Digitally signed by Trisha Oeth
DN: cn=Trisha Oeth, o, ou=Water
Quality Control Commission,
email=trisha.oeth@state.co.us, c=US
Date: 2017.08.08 08:32:03 -06'00'

Trisha Oeth, Administrator

EXHIBIT 1
WATER QUALITY CONTROL DIVISION

COLORADO DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT
WATER QUALITY CONTROL COMMISSION

5 CCR 1002-32

REGULATION NO. 32
CLASSIFICATIONS AND NUMERIC STANDARDS
FOR
ARKANSAS RIVER BASIN

....

32.60 STATEMENT OF BASIS, SPECIFIC STATUTORY AUTHORITY AND PURPOSE; DECEMBER 11, 2017 RULEMAKING; FINAL ACTION JANUARY 8, 2018; EFFECTIVE DATE JUNE 30, 2018

The provisions of C.R.S. 25-8-202(1)(a), (b) and (2); 25-8-203; 25-8-204; and 25-8-402; provide the specific statutory authority for adoption of these regulatory amendments. The commission also adopted in compliance with 24-4-103(4) C.R.S. the following statement of basis and purpose.

BASIS AND PURPOSE

Pursuant to the requirements in the Basic Standards (at 31.7(3)), the commission reviewed the status of temporary modifications scheduled to expire before December 31, 2019 to determine whether the temporary modification should be modified, eliminated, or extended.

No action: The commission took no action on the temporary modifications on the following segments:

Upper Arkansas Segment 8b: temporary modifications of the temperature, cadmium, and zinc standards. The commission took no action on the temporary modification of the temperature standard. This temporary modification was deleted from the table because it expires 12/31/2017. For the temporary modifications of the cadmium and zinc standards (expire 12/31/2018), the commission took no action. Resurrection Mining Company presented evidence that they are making progress on the plan for eliminating the need for the temporary modifications. The commission made no change to the expiration date as the original time allotment was deemed adequate to resolve the uncertainty.

Middle Arkansas Segment 4b: temporary modifications of the ammonia, arsenic, boron, cadmium, chlorine, chlorophyll a, chromium III, chromium VI, copper, cyanide, D.O., E. coli, iron, lead, manganese, mercury, molybdenum, nickel, nitrate, nitrite, pH, phosphorus, selenium, silver, sulfide, and zinc standards (expire 12/31/2018). EVRAZ presented evidence that they are making progress on the plan for eliminating the need for the temporary modifications. The commission made no change to the expiration date as the original time allotment was deemed adequate to resolve the uncertainty.

Middle Arkansas Segment 6b: temporary modification of the temperature standard (expires 12/31/2018). Public Service Company of Colorado presented evidence that they are making

progress on the plan for eliminating the need for the temporary modifications. The commission made no change to the expiration date as the original time allotment was deemed adequate to resolve the uncertainty.

Lower Arkansas Segment 1a: temporary modifications of the selenium and sulfate standards (expire 12/31/2018). The City of Pueblo is making progress on its plans to seek a discharger specific variance (DSV). The commission made no change to the expiration date as the original time allotment was deemed adequate to resolve the uncertainty.

**COLORADO DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT
WATER QUALITY CONTROL COMMISSION**

5 CCR 1002-32

**REGULATION NO. 32
CLASSIFICATIONS AND NUMERIC STANDARDS
FOR
ARKANSAS RIVER BASIN**

**APPENDIX 32-1
Stream Classifications and Water Quality Standards Tables**

Effective ~~06/30/2017~~ 06/30/2018

REGULATION #32 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

Upper Arkansas River Basin

8b. Mainstem of Iowa Gulch from a point immediately below the historic upper ASARCO water supply intake at 39.224327, -106.223432 to a point immediately below the headgate of the Paddock #1 Ditch (Iowa Ditch).						
COARUA08B	Classifications	Physical and Biological			Metals (ug/L)	
Designation	Agriculture	DM		MWAT	acute	chronic
UP	Aq Life Cold 2	Temperature °C	CS-II	CS-II	Aluminum	---
	Recreation E	acute	chronic		Arsenic	340
Qualifiers:		D.O. (mg/L)	---	6.0	Beryllium	---
Other:		D.O. (spawning)	---	7.0	Cadmium	SSE*
Temporary Modification(s):		pH	6.5 - 9.0	---	Chromium III	TVS
Cadmium(chronic) = 1.6		chlorophyll a (mg/m2)	---	150	Chromium III	---
Zinc(acute) = 754		E. Coli (per 100 mL)	---	126	Chromium VI	TVS
Zinc(chronic) = 505		Inorganic (mg/L)			Copper	TVS
Expiration Date of 12/31/2018					Iron	---
temperature(DM) = No-acute-standard			acute	chronic	Lead	TVS
temperature(MWAT) = 14					Manganese	TVS
Expiration Date of 12/31/2017		Ammonia	TVS	TVS	Mercury	---
		Boron	---	0.75	Molybdenum	---
		Chloride	---	---	Nickel	TVS
		Chlorine	0.019	0.011	Selenium	TVS
		Cyanide	---	---	Silver	TVS
		Nitrate	100	---	Uranium	---
		Nitrite	---	0.05	Zinc	TVS
		Phosphorus	---	0.11		
		Sulfate	---	---		
		Sulfide	---	0.002		

All metals are dissolved unless otherwise noted.
T = total recoverable
t = total
tr = trout

D.O. = dissolved oxygen
DM = daily maximum
MWAT = maximum weekly average temperature
See 32.6 for details on TVS, TVS(tr), WS, temperature standards.

REGULATION #32 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

Middle Arkansas River Basin

4b. Mainstem of Rock Creek, Salt Creek and Peck Creek from their sources to the confluence with the Arkansas River.						
COARMA04B Classifications		Physical and Biological			Metals (ug/L)	
Designation			DM	MWAT	acute	chronic
UP	Agriculture					
	Aq Life Warm 1	Temperature °C	WS-II	WS-II	Aluminum	---
	Recreation E		acute	chronic	Arsenic	340
Qualifiers:		D.O. (mg/L)	---	5.0	Beryllium	---
Other:		pH	6.5 - 9.0	---	Cadmium	TVS
Temporary Modification(s):		chlorophyll a (mg/m2)	---	150	Chromium III	TVS
Ammonia(ac/ch) = current conditions		E. Coli (per 100 mL)	---	126	Chromium III	---
Arsenic(ac/ch) = current conditions		Inorganic (mg/L)			Chromium VI	100(T)
Boron(chronic) = current conditions			acute	chronic	Copper	TVS
Cadmium(ac/ch) = current conditions		Ammonia	TVS	TVS	Iron	---
Chlorine(ac/ch) = current conditions		Boron	---	0.75	Lead	1000(T)
chlorophyll a (mg/m2)(chronic) = current conditions		Chloride	---	---	Manganese	TVS
Chromium III(chronic) = current conditions		Chlorine	0.019	0.011	Mercury	TVS
Chromium III(ac/ch) = current conditions		Cyanide	0.005	---	Molybdenum	---
Chromium VI(ac/ch) = current conditions		Nitrate	100	---	Nickel	0.01(t)
Copper(ac/ch) = current conditions		Nitrite	---	0.05	Selenium	---
Cyanide(acute) = current conditions		Phosphorus	---	0.17	Silver	160(T)
D.O. (mg/L)(chronic) = current conditions		Sulfate	---	---	Uranium	TVS
E. Coli (per 100 mL)(chronic) = current conditions		Sulfide	---	0.002	Zinc	---
Iron(chronic) = current conditions						TVS
Lead(ac/ch) = current conditions						
Manganese(ac/ch) = current conditions						
Mercury(chronic) = current conditions						
Molybdenum(chronic) = current conditions						
Nickel(ac/ch) = current conditions						
Nitrate(acute) = current conditions						
Nitrite(chronic) = current conditions						
pH(acute) = current conditions						
Phosphorus(chronic) = current conditions						
Selenium(ac/ch) = current conditions						
Silver(ac/ch) = current conditions						
Sulfide(chronic) = current conditions						
Zinc(ac/ch) = current conditions						
Expiration Date of 12/31/2018						

All metals are dissolved unless otherwise noted.
T = total recoverable
t = total
tr = trout

D.O. = dissolved oxygen
DM = daily maximum
MWAT = maximum weekly average temperature
See 32.6 for details on TVS, TVS(tr), WS, temperature standards.

REGULATION #32 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

Middle Arkansas River Basin

6b. Mainstem of the Saint Charles River from the confluence with Edson Arroyo to the confluence with the Arkansas River.						
OARMA06B	Classifications	Physical and Biological			Metals (ug/L)	
Designation		DM	MWAT		acute	chronic
UP	Agriculture					
	Aq Life Warm 2	Temperature °C	WS-II	WS-II	Aluminum	---
	Recreation E		acute	chronic	Arsenic	340
	Water Supply	D.O. (mg/L)	---	5.0	Beryllium	0.02-10(T) ^A
Qualifiers:		pH	6.5 - 9.0	---	Cadmium	TVS
Other:		chlorophyll a (mg/m2)	---	---	Chromium III	50(T)
Temporary Modification(s):		E. Coli (per 100 mL)	---	126	Chromium VI	TVS
temperature(DM/MWAT) = "current conditions"		Inorganic (mg/L)			Copper	TVS
Expiration Date of 12/31/2018			acute	chronic	Iron	---
*Selenium(acute) = See selenium assessment location at 32.6(4).		Ammonia	TVS	TVS	Iron	1000(T)
*Selenium(chronic) = See selenium assessment location at 32.6(4).		Boron	---	0.75	Lead	TVS
		Chloride	---	250	Manganese	TVS
		Chlorine	---	0.011	Manganese	---
		Cyanide	0.005	---	Mercury	0.01(t)
		Nitrate	10	---	Molybdenum	---
		Nitrite	---	0.05	Nickel	TVS
		Phosphorus	---	---	Selenium	173*
		Sulfate	---	WS	Silver	TVS
		Sulfide	---	0.002	Uranium	---
					Zinc	TVS

All metals are dissolved unless otherwise noted.
T = total recoverable
t = total
tr = trout

D.O. = dissolved oxygen
DM = daily maximum
MWAT = maximum weekly average temperature
See 32.6 for details on TVS, TVS(tr), WS, temperature standards.

REGULATION #32 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

Lower Arkansas River Basin

1a. Mainstem of the Arkansas River from a point immediately above the confluence with Fountain Creek to immediately above the Colorado Canal headgate near Avondale.							
COARLA01A	Classifications	Physical and Biological				Metals (ug/L)	
Designation		DM		MWAT		acute	chronic
UP	Agriculture						
	Aq Life Warm 2	Temperature °C	1/1 - 11/30	WS-II	WS-II	Aluminum	---
	Recreation E	Temperature °C	12/1 - 12/31	21.5	20.7	Arsenic	340
	Water Supply					Beryllium	0.02-10(T) ^A
Qualifiers:		acute		chronic			
Other: Temporary Modification(s): Selenium(ac/ch) = existing quality Sulfate(chronic) = existing quality Expiration Date of 12/31/2018		D.O. (mg/L)	---	5.0		Cadmium	TVS
		pH	6.5 - 9.0	---		Chromium III	50(T)
		chlorophyll a (mg/m2)	---	---		Chromium VI	TVS
		E. Coli (per 100 mL)	---	126		Copper	TVS
		Inorganic (mg/L)				Iron	---
		acute		chronic		Iron	2800(T)
		Ammonia	TVS	TVS		Lead	TVS
		Boron	---	0.75		Manganese	TVS
		Chloride	---	250		Manganese	---
		Chlorine	0.019	0.011		Mercury	0.01(t)
		Cyanide	0.005	---		Molybdenum	---
		Nitrate	10	---		Nickel	160(T)
		Nitrite	---	0.5		Selenium	TVS
		Phosphorus	---	---		Silver	19.1
		Sulfate	---	329		Uranium	14.1
		Sulfide	---	0.002		Zinc	TVS
							TVS

All metals are dissolved unless otherwise noted.
T = total recoverable
t = total
tr = trout

D.O. = dissolved oxygen
DM = daily maximum
MWAT = maximum weekly average temperature
See 32.6 for details on TVS, TVS(tr), WS, temperature standards.

EXHIBIT 2
WATER QUALITY CONTROL DIVISION

COLORADO DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT
WATER QUALITY CONTROL COMMISSION

5 CCR 1002-33

REGULATION NO. 33
CLASSIFICATIONS AND NUMERIC STANDARDS
FOR
UPPER COLORADO RIVER BASIN AND
NORTH PLATTE RIVER (PLANNING REGION 12)

....

33.60 STATEMENT OF BASIS, SPECIFIC STATUTORY AUTHORITY AND PURPOSE; DECEMBER 11, 2017 RULEMAKING; FINAL ACTION JANUARY 8, 2018; EFFECTIVE DATE JUNE 30, 2018

The provisions of C.R.S. 25-8-202(1)(a), (b) and (2); 25-8-203; 25-8-204; and 25-8-402; provide the specific statutory authority for adoption of these regulatory amendments. The commission also adopted in compliance with 24-4-103(4) C.R.S. the following statement of basis and purpose.

BASIS AND PURPOSE

Pursuant to the requirements in the Basic Standards (at 31.7(3)), the commission reviewed the status of temporary modifications scheduled to expire before December 31, 2019 to determine whether the temporary modification should be modified, eliminated, or extended.

No action: The commission took no action on the temporary modifications on the following segments:

Blue River Segment 14: temporary modification of the molybdenum standard (expires 12/31/2017). The commission took no action on this temporary modification.

Yampa River Segments 13b, 13d, 13e, 13g, 13i: temporary modifications of the selenium (13b, 13d, 13e, 13g, 13i) and iron (13d, 13i) standards (expire 12/31/2018). Seneca-Peabody presented evidence that it is making progress on the plan for eliminating the need for the temporary modifications. The commission made no change to the expiration date of the temporary modifications on these segments as the original time allotment was deemed adequate to resolve the uncertainty.

New temporary modifications of the arsenic standard:

Consistent with the actions taken in 2013, the commission adopted a temporary modification of the arsenic standard on segments on the following list, with an expiration date of 12/31/2021. At the April 8, 2013 rulemaking, the commission heard testimony that concurred with the finding from a December 13, 2011 rulemaking hearing that an initial reasonable lower limit of treatment technology for arsenic is 3.0 µg/L, pending further investigation by the division, dischargers and stakeholders. The temporary modification was established by the commission to allow for a

temporarily less stringent application of the chronic arsenic standard in control requirements for both existing discharges and new or increased discharges.

Upper Colorado Segment 2
Blue River Segment 2a
Roaring Fork Segment 12
Yampa River Segment 2a

**COLORADO DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT
WATER QUALITY CONTROL COMMISSION**

5 CCR 1002-33

**REGULATION NO. 33
CLASSIFICATIONS AND NUMERIC STANDARDS
FOR
UPPER COLORADO RIVER BASIN AND
NORTH PLATTE RIVER (PLANNING REGION 12)**

**APPENDIX 33-1
Stream Classifications and Water Quality Standards Tables**

Effective 06/30/~~2017~~2018

REGULATION #33 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

Upper Colorado River Basin

2. Mainstem of the Colorado River, including all tributaries and wetlands within, or flowing into Arapahoe National Recreation Area.							
COUCUC02	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture		DM	MWAT	acute	chronic	
Reviewable	Aq Life Cold 1	Temperature °C	CS-I	CS-I	Aluminum	---	---
	Recreation E		acute	chronic	Arsenic	340	0.02(T)
	Water Supply	D.O. (mg/L)	---	6.0	Beryllium	---	---
Qualifiers:		D.O. (spawning)	---	7.0	Cadmium	TVS(tr)	TVS
Other:		pH	6.5 - 9.0	---	Chromium III	50(T)	TVS
<u>Temporary Modification(s):</u>		chlorophyll a (mg/m2)	---	150	Chromium VI	TVS	TVS
<u>Arsenic(chronic) = hybrid</u>		E. Coli (per 100 mL)	---	126	Copper	TVS	TVS
<u>Expiration Date of 12/31/2021</u>					Iron	---	WS
		Inorganic (mg/L)			Iron	---	1000(T)
			acute	chronic	Lead	TVS	TVS
		Ammonia	TVS	TVS	Manganese	TVS	TVS
		Boron	---	0.75	Manganese	---	WS
		Chloride	---	250	Mercury	---	0.01(t)
		Chlorine	0.019	0.011	Molybdenum	---	160(T)
		Cyanide	0.005	---	Nickel	TVS	TVS
		Nitrate	10	---	Selenium	TVS	TVS
		Nitrite	---	0.05	Silver	TVS	TVS(tr)
		Phosphorus	---	0.11	Uranium	---	---
		Sulfate	---	WS	Zinc	TVS	TVS
		Sulfide	---	0.002	Zinc	---	TVS(sc)

All metals are dissolved unless otherwise noted.
T = total recoverable
t = total
tr = trout
sc = sculpin

D.O. = dissolved oxygen
DM = daily maximum
MWAT = maximum weekly average temperature
See 33.6 for details on TVS, TVS(tr), TVS(sc), WS, temperature standards.

REGULATION #33 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

Blue River Basin

2a. Mainstem of the Blue River from the confluence with French Gulch to a point one half mile below Summit County Road 3.								
COUCBL02A	Classifications	Physical and Biological			Metals (ug/L)			
Designation	Agriculture	DM	MWAT	acute	chronic			
UP	Aq Life Cold 1	Temperature °C	CS-I	CS-I	Aluminum	---		
	Recreation E	acute	chronic	Arsenic	340	0.02(T)		
	Water Supply	D.O. (mg/L)	---	6.0	Beryllium	---		
		D.O. (spawning)	---	7.0	Cadmium	4		
Qualifiers:		pH	6.5 - 9.0	---	Chromium III	50(T)		
Other:		chlorophyll a (mg/m2)	---	150*	Chromium VI	TVS		
<u>Temporary Modification(s):</u>		E. Coli (per 100 mL)	---	126	Copper	TVS		
<u>Arsenic(chronic) = hybrid</u>					Iron	---		
<u>Expiration Date of 12/31/2021</u>					Iron	---		
*chlorophyll a (mg/m2)(chronic) = applies only above the facilities listed at 33.5(4). *Phosphorus(chronic) = applies only above the facilities listed at 33.5(4). *Zinc(acute) = e^(1.25 (ln(hard)+0.799)) *Zinc(chronic) = e^(1.25 (ln(hard)+0.799))		Inorganic (mg/L)			Lead	TVS		
		acute	chronic		Manganese	TVS		
		Ammonia	TVS	TVS	Manganese	---		
		Boron	---	0.75	Mercury	---		
		Chloride	---	250	Molybdenum	---		
		Chlorine	0.019	0.011	Nickel	TVS		
		Cyanide	0.005	---	Selenium	TVS		
		Nitrate	10	---	Silver	TVS		
		Nitrite	---	0.05	Uranium	---		
		Phosphorus	---	0.11*	Zinc	SSE*		
		Sulfate	---	WS				
		Sulfide	---	0.002				
		14. Mainstem of Tenmile Creek, including all tributaries and wetlands from a point immediately above the confluence with West Tenmile Creek to Dillon Reservoir, except for the specific listing in Segment 16.						
		COUCBL14	Classifications	Physical and Biological			Metals (ug/L)	
		Designation	Agriculture	DM	MWAT	acute	chronic	
		Reviewable	Aq Life Cold 1	Temperature °C	CS-I	CS-I	Aluminum	---
Recreation E	acute		chronic	Arsenic	340	0.02(T)		
Water Supply	D.O. (mg/L)		---	6.0	Beryllium	---		
	D.O. (spawning)		---	7.0	Cadmium	TVS(tr)		
Qualifiers:		pH	6.5 - 9.0	---	Chromium III	50(T)		
Other:		chlorophyll a (mg/m2)	---	150*	Chromium VI	TVS		
Temporary Modification(s):		E. Coli (per 100 mL)	---	126	Copper	TVS		
Arsenic(chronic) = hybrid					Iron	---		
Expiration Date of 12/31/2021					Iron	---		
Molybdenum(chronic) = current conditions		Inorganic (mg/L)			Lead	TVS		
Expiration Date of 12/31/2017		acute	chronic		Manganese	TVS		
*chlorophyll a (mg/m2)(chronic) = applies only above the facilities listed at 33.5(4). *Phosphorus(chronic) = applies only above the facilities listed at 33.5(4).		Ammonia	TVS	TVS	Manganese	---		
		Boron	---	0.75	Mercury	---		
		Chloride	---	250	Molybdenum	---		
		Chlorine	0.019	0.011	Nickel	TVS		
		Cyanide	0.005	---	Selenium	TVS		
		Nitrate	10	---	Silver	TVS		
		Nitrite	---	0.05	Uranium	---		
		Phosphorus	---	0.11*	Zinc	TVS		
		Sulfate	---	WS				
		Sulfide	---	0.002	Zinc	---		

All metals are dissolved unless otherwise noted.
T = total recoverable
t = total
tr = trout
sc = sculpin

D.O. = dissolved oxygen
DM = daily maximum
MWAT = maximum weekly average temperature
See 33.6 for details on TVS, TVS(tr), TVS(sc), WS, temperature standards.

REGULATION #33 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

Roaring Fork River Basin

12. All lakes and reservoirs tributary to the Roaring Fork River except for specific listings in Segment 11.							
COUCRF12	Classifications	Physical and Biological				Metals (ug/L)	
Designation	Agriculture	DM		MWAT		acute	chronic
Reviewable	Aq Life Cold 1	Temperature °C	4/1 - 12/31	CLL*	20.3* ^B	Aluminum	---
	Recreation E	Temperature °C		CL,CLL	CL,CLL	Arsenic	340
	Water Supply					Beryllium	---
	DUWS*					Cadmium	TVS(tr)
Qualifiers: Other: <u>Temporary Modification(s):</u> <u>Arsenic(chronic) = hybrid</u> <u>Expiration Date of 12/31/2021</u> *chlorophyll a (ug/L)(chronic) = applies only to lakes and reservoirs larger than 25 acres surface area. *Classification: DUWS Applies only to Leonard Thomas Res and Wildcat Res *Phosphorus(chronic) = applies only to lakes and reservoirs larger than 25 acres surface area. *Temperature(4/1 - 12/31) = Ruedi Res (MWAT=20.3)				acute	chronic		
	D.O. (mg/L)			---	6.0	Chromium III	50(T)
	D.O. (spawning)			---	7.0	Chromium VI	TVS
	pH			6.5 - 9.0	---	Copper	TVS
	chlorophyll a (ug/L)			---	8*	Iron	---
	E. Coli (per 100 mL)			---	126	Iron	---
						Lead	TVS
						Manganese	TVS
						Manganese	---
						Mercury	---
						Molybdenum	---
						Nickel	TVS
						Selenium	TVS
						Silver	TVS
						Uranium	---
						Zinc	TVS

All metals are dissolved unless otherwise noted.
 T = total recoverable
 t = total
 tr = trout
 sc = sculpin

D.O. = dissolved oxygen
 DM = daily maximum
 MWAT = maximum weekly average temperature
 See 33.6 for details on TVS, TVS(tr), TVS(sc), WS, temperature standards.

REGULATION #33 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS Yampa River Basin

2a. Mainstem of the Yampa River from the confluence with Wheeler Creek to a point immediately above the confluence with Oak Creek.						
COUCYA02A	Classifications	Physical and Biological			Metals (ug/L)	
Designation	Agriculture	DM	MWAT	acute	chronic	
Reviewable	Aq Life Cold 1	Temperature °C	CS-I	CS-I	Aluminum	---
	Recreation E	acute	chronic	Arsenic	340	0.02(T)
	Water Supply	D.O. (mg/L)	---	6.0	Beryllium	---
Qualifiers:		D.O. (spawning)	---	7.0	Cadmium	TVS(tr)
Other:		pH	6.5 - 9.0	---	Chromium III	50(T)
Temporary Modification(s):		chlorophyll a (mg/m2)	---	150*	Chromium VI	TVS
Arsenic(chronic) = hybrid		E. Coli (per 100 mL)	---	126	Copper	TVS
Expiration Date of 12/31/2021					Iron	---
		Inorganic (mg/L)			Iron	---
		acute	chronic	Lead	TVS	TVS
		Ammonia	TVS	TVS	Manganese	TVS
		Boron	---	0.75	Manganese	---
		Chloride	---	250	Mercury	---
		Chlorine	0.019	0.011	Molybdenum	---
		Cyanide	0.005	---	Nickel	TVS
		Nitrate	10	---	Selenium	TVS
		Nitrite	---	0.05	Silver	TVS
		Phosphorus	---	0.11*	Uranium	---
		Sulfate	---	WS	Zinc	TVS
		Sulfide	---	0.002	Zinc	---
13b. Mainstem of Foidel Creek, including all tributaries and wetlands. Mainstem Fish Creek, including all tributaries from County Road 27 downstream to the confluence with Trout Creek, except for specific listings in Segment 13g. Middle Creek and all tributaries, from County Road 27 downstream to the confluence with Trout Creek.						
COUCYA13B	Classifications	Physical and Biological			Metals (ug/L)	
Designation	Agriculture	DM	MWAT	acute	chronic	
Reviewable	Aq Life Warm 1	Temperature °C	WS-II	WS-II	Aluminum	---
	Recreation E	acute	chronic	Arsenic	340	7.6(T)
Qualifiers:		D.O. (mg/L)	---	6.0	Beryllium	---
Other:		D.O. (spawning)	---	7.0	Cadmium	TVS(tr)
Temporary Modification(s):		pH	6.5 - 9.0	---	Chromium III	TVS
Selenium(chronic) = current conditions*		chlorophyll a (mg/m2)	---	150	Chromium III	---
Expiration Date of 12/31/2018		E. Coli (per 100 mL)	---	126	Chromium VI	TVS
					Copper	TVS
		Inorganic (mg/L)			Iron	---
		acute	chronic	Iron	3/1 - 6/30	---
		Ammonia	TVS	TVS	Lead	TVS
		Boron	---	0.75	Manganese	TVS
		Chloride	---	---	Mercury	---
		Chlorine	0.019	0.011	Molybdenum	---
		Cyanide	0.005	---	Nickel	TVS
		Nitrate	100	---	Selenium	TVS
		Nitrite	---	0.05	Silver	TVS
		Phosphorus	---	0.11	Uranium	---
		Sulfate	---	---	Zinc	TVS
		Sulfide	---	0.002		

All metals are dissolved unless otherwise noted.
T = total recoverable
t = total
tr = trout
sc = sculpin

D.O. = dissolved oxygen
DM = daily maximum
MWAT = maximum weekly average temperature
See 33.6 for details on TVS, TVS(tr), TVS(sc), WS, temperature standards.

REGULATION #33 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

Yampa River Basin

13d. Mainstem of Dry Creek, including all tributaries and wetlands, from the source to just above the confluence with Temple Gulch.						
COUCYA13D	Classifications	Physical and Biological			Metals (ug/L)	
Designation	Agriculture	DM	MWAT	acute	chronic	
UP	Aq Life Warm 2	Temperature °C	WS-II	WS-II	Aluminum	---
	Recreation E	acute	chronic	Arsenic	340	100(T)
Qualifiers:		D.O. (mg/L)	---	5.0	Beryllium	---
Other:		pH	6.5 - 9.0	---	Cadmium	TVS
Temporary Modification(s):		chlorophyll a (mg/m2)	---	150	Chromium III	TVS
Iron(chronic) = current condition	3/1 - 4/30	E. Coli (per 100 mL)	---	126	Chromium III	---
Selenium(chronic) = current conditions		Inorganic (mg/L)			Chromium VI	TVS
Expiration Date of 12/31/2018		acute	chronic	Copper	TVS	TVS
*Iron(chronic) = See section 33.6(4) for iron assessment locations.		Ammonia	TVS	TVS	Iron	5/1 - 2/29
*Iron(chronic) = See section 33.6(4) for iron assessment locations.		Boron	---	0.75	Iron	3/1 - 4/30
		Chloride	---	---	Lead	TVS
		Chlorine	0.019	0.011	Manganese	TVS
		Cyanide	0.005	---	Mercury	---
		Nitrate	100	---	Molybdenum	---
		Nitrite	---	0.05	Nickel	TVS
		Phosphorus	---	0.17	Selenium	TVS
		Sulfate	---	---	Silver	TVS
		Sulfide	---	0.002	Uranium	---
					Zinc	TVS

13e. Mainstem of Sage Creek, including all tributaries and wetlands, from its sources to the confluence with the Yampa River.						
COUCYA13E	Classifications	Physical and Biological			Metals (ug/L)	
Designation	Agriculture	DM	MWAT	acute	chronic	
UP	Aq Life Warm 2	Temperature °C	WS-II	WS-II	Aluminum	---
	Recreation N	acute	chronic	Arsenic	340	100(T)
Qualifiers:		D.O. (mg/L)	---	5.0	Beryllium	---
Other:		pH	6.5 - 9.0	---	Cadmium	TVS
Temporary Modification(s):		chlorophyll a (mg/m2)	---	---	Chromium III	TVS
Selenium(chronic) = current conditions		E. Coli (per 100 mL)	---	630	Chromium III	---
Expiration Date of 12/31/2018		Inorganic (mg/L)			Chromium VI	TVS
*Iron(chronic) = 1,000(T) ug/L on Lower Sage Creek. See section 33.6(4) for iron assessment locations.		acute	chronic	Copper	TVS	TVS
*Iron(chronic) = 1,250(T) ug/L on Upper Sage Creek. Break between Upper and Lower Sage Creek is the west border of Section 18, T5N, R87W. See section 33.6(4) for iron assessment locations.		Ammonia	TVS	TVS	Iron	---
		Boron	---	0.75	Iron	---
		Chloride	---	---	Lead	TVS
		Chlorine	0.019	0.011	Manganese	TVS
		Cyanide	0.005	---	Mercury	---
		Nitrate	100	---	Molybdenum	---
		Nitrite	---	0.05	Nickel	TVS
		Phosphorus	---	0.17	Selenium	TVS
		Sulfate	---	---	Silver	TVS
		Sulfide	---	0.002	Uranium	---
					Zinc	TVS

All metals are dissolved unless otherwise noted.
T = total recoverable
t = total
tr = trout
sc = sculpin

D.O. = dissolved oxygen
DM = daily maximum
MWAT = maximum weekly average temperature
See 33.6 for details on TVS, TVS(tr), TVS(sc), WS, temperature standards.

REGULATION #33 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

Yampa River Basin

13g. All tributaries to Fish Creek from the confluence with Cow Camp Creek to the confluence with Trout Creek,						
COUCYA13G	Classifications	Physical and Biological			Metals (ug/L)	
Designation	Agriculture	DM	MWAT	acute	chronic	
Reviewable	Aq Life Warm 1	WS-II	WS-II	Aluminum	---	---
	Recreation E	acute	chronic	Arsenic	340	7.6(T)
Qualifiers:		D.O. (mg/L)	---	5.0	Beryllium	---
Other:		pH	6.5 - 9.0	---	Cadmium	TVS(tr)
Temporary Modification(s):		chlorophyll a (mg/m2)	---	150	Chromium III	TVS
Selenium(chronic) = current conditions		E. Coli (per 100 mL)	---	126	Chromium VI	TVS
Expiration Date of 12/31/2018		Inorganic (mg/L)		Copper	TVS	TVS
		acute	chronic	Iron	---	1000(T)
		Ammonia	TVS	TVS	Lead	TVS
		Boron	---	0.75	Manganese	TVS
		Chloride	---	---	Mercury	---
		Chlorine	0.019	0.011	Molybdenum	---
		Cyanide	0.005	---	Nickel	TVS
		Nitrate	100	---	Selenium	TVS
		Nitrite	---	0.05	Silver	TVS(tr)
		Phosphorus	---	0.17	Uranium	---
		Sulfate	---	---	Zinc	TVS
		Sulfide	---	0.002		

13i. Mainstem of Grassy Creek, including all tributaries and wetlands, from the source to immediately above the confluence with Scotchmans Gulch.						
COUCYA13I	Classifications	Physical and Biological			Metals (ug/L)	
Designation	Agriculture	DM	MWAT	acute	chronic	
UP	Aq Life Warm 2	WS-II	WS-II	Aluminum	---	---
	Recreation N	acute	chronic	Arsenic	340	100(T)
Qualifiers:		D.O. (mg/L)	---	5.0	Beryllium	---
Other:		pH	6.5 - 9.0	---	Cadmium	TVS
Temporary Modification(s):		chlorophyll a (mg/m2)	---	---	Chromium III	TVS
Iron(chronic) = current conditions*		E. Coli (per 100 mL)	---	630	Chromium VI	TVS
Selenium(chronic) = current conditions		Inorganic (mg/L)		Copper	TVS	TVS
Expiration Date of 12/31/2018		acute	chronic	Iron	---	1000(T)*
*Iron(chronic) = See section 33.6(4) for iron assessment locations.		Ammonia	TVS	TVS	Lead	TVS
*TempMod: Iron = for Grassy Creek.		Boron	---	0.75	Manganese	TVS
		Chloride	---	---	Mercury	---
		Chlorine	0.019	0.011	Molybdenum	---
		Cyanide	0.005	---	Nickel	TVS
		Nitrate	100	---	Selenium	TVS
		Nitrite	---	0.05	Silver	TVS
		Phosphorus	---	0.17	Uranium	---
		Sulfate	---	---	Zinc	TVS
		Sulfide	---	0.002		

All metals are dissolved unless otherwise noted.
T = total recoverable
t = total
tr = trout
sc = sculpin

D.O. = dissolved oxygen
DM = daily maximum
MWAT = maximum weekly average temperature
See 33.6 for details on TVS, TVS(tr), TVS(sc), WS, temperature standards.

EXHIBIT 3
WATER QUALITY CONTROL DIVISION

COLORADO DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT
WATER QUALITY CONTROL COMMISSION

5 CCR 1002-36

REGULATION NO. 36
CLASSIFICATIONS AND NUMERIC STANDARDS
FOR
RIO GRANDE BASIN

....

36.41 STATEMENT OF BASIS, SPECIFIC STATUTORY AUTHORITY AND PURPOSE; DECEMBER 11, 2017 RULEMAKING; FINAL ACTION JANUARY 8, 2018; EFFECTIVE DATE JUNE 30, 2018

The provisions of C.R.S. 25-8-202(1)(a), (b) and (2); 25-8-203; 25-8-204; and 25-8-402; provide the specific statutory authority for adoption of these regulatory amendments. The commission also adopted in compliance with 24-4-103(4) C.R.S. the following statement of basis and purpose.

BASIS AND PURPOSE

Pursuant to the requirements in the Basic Standards (at 31.7(3)), the commission reviewed the status of temporary modifications scheduled to expire before December 31, 2019 to determine whether the temporary modification should be modified, eliminated, or extended.

No action: The commission took no action on the temporary modifications on the following segments:

Rio Grande Segments 4a and 7: temporary modifications of the standards on Rio Grande Segment 4a (cadmium, lead, zinc, and ammonia) and Segment 7 (cadmium, copper, lead, silver, zinc, ammonia); expire 12/31/2018. Both the Town of Creede and Rio Grande Silver presented evidence that they are making progress on the plan for eliminating the need for need for the temporary modifications. The commission took no action on the temporary modifications on these two segments as the original time allotment was deemed adequate to resolve the uncertainty.

**COLORADO DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT
WATER QUALITY CONTROL COMMISSION**

5 CCR 1002-36

**REGULATION NO. 36
CLASSIFICATIONS AND NUMERIC STANDARDS
FOR
RIO GRANDE BASIN**

**APPENDIX 36-1
Stream Classifications and Water Quality Standards Tables**

Effective 06/30/~~2017~~2018

REGULATION #36 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

4a. Mainstem of the Rio Grande from a point immediately above the confluence with Willow Creek to a point immediately above the confluence with the South Fork Rio Grande.							
CORGRG04A		Classifications		Physical and Biological		Metals (ug/L)	
Designation	Agriculture		DM	MWAT		acute	chronic
Reviewable	Aq Life Cold 1	Temperature °C	CS-II	CS-II	Aluminum	---	---
	Recreation E		acute	chronic	Arsenic	340	0.02(T)
	Water Supply	D.O. (mg/L)	---	6.0	Beryllium	---	---
		D.O. (spawning)	---	7.0	Cadmium	varies*	varies*
Qualifiers:		pH	6.5 - 9.0	---	Chromium III	50(T)	TVS
Other: Temporary Modification(s): Ammonia(ac/ch) = current conditions Cadmium(chronic) = current condition Lead(chronic) = current condition Zinc(chronic) = current condition Expiration Date of 12/31/2018 Arsenic(chronic) = hybrid Expiration Date of 12/31/2021 *Cadmium(acute) = See 36.6(4) for site-specific standards and assessment locations. *Cadmium(chronic) = See 36.6(4) for site-specific standards and assessment locations. *Lead(chronic) = See 36.6(4) for site-specific standards and assessment locations. *Manganese(chronic) = See 36.6(4) for site-specific standards and assessment locations. *Zinc(acute) = See 36.6(4) for site-specific standards and assessment locations. *Zinc(chronic) = See 36.6(4) for site-specific standards and assessment locations.		chlorophyll a (mg/m2)	---	---	Chromium VI	TVS	TVS
		E. Coli (per 100 mL)	---	126	Copper	TVS	TVS
					Iron	---	WS
		Inorganic (mg/L)			Iron	---	1000(T)
			acute	chronic	Lead	TVS	varies*
		Ammonia	TVS	TVS	Manganese	TVS	varies*
		Boron	---	0.75	Mercury	---	0.01(T)
		Chloride	---	250	Molybdenum	---	160(T)
		Chlorine	0.019	0.011	Nickel	TVS	TVS
		Cyanide	0.005	---	Selenium	TVS	TVS
		Nitrate	10	---	Silver	TVS	TVS(tr)
		Nitrite	---	0.05	Uranium	---	---
		Phosphorus	---	---	Zinc	varies*	varies*
		Sulfate	---	WS			
		Sulfide	---	0.002			

All metals are dissolved unless otherwise noted.
T = total recoverable
t = total
tr = trout

D.O. = dissolved oxygen
DM = daily maximum
MWAT = maximum weekly average temperature
See 36.6 for details on TVS, TVS(tr), WS, temperature standards.

REGULATION #36 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

Rio Grande River Basin

7. Mainstem of West Willow Creek from the Park Regent Mine dump to the confluence with East Willow Creek. Mainstem of Willow Creek, including all tributaries from the confluence of East and West Willow Creeks, to the confluence with the Rio Grande.						
CORGRG07	Classifications	Physical and Biological			Metals (ug/L)	
Designation	Agriculture	DM		MWAT	acute	chronic
UP	Aq Life Cold 2	Temperature °C	CS-II	CS-II	Aluminum	---
	Recreation E	acute	chronic		Arsenic	340
Qualifiers:		D.O. (mg/L)	---	6.0	Beryllium	---
Other:		D.O. (spawning)	---	7.0	Cadmium	varies*
Temporary Modification(s):		pH	6.5 - 9.0	---	Chromium III	TVS
Ammonia(ac/ch) = current conditions*		chlorophyll a (mg/m2)	---	150*	Chromium III	---
Cadmium(ac/ch) = varies*		E. Coli (per 100 mL)	---	126	Chromium VI	TVS
Copper(ac/ch) = varies*					Copper	varies*
Lead(ac/ch) = varies*		Inorganic (mg/L)			Iron	---
Silver(acute) = varies*		acute	chronic		Lead	varies*
Zinc(ac/ch) = varies*		Ammonia	TVS	TVS	Manganese	varies*
Expiration Date of 12/31/2018		Boron	---	0.75	Mercury	---
*chlorophyll a (mg/m2)(chronic) = applies only above the facilities listed at 36.5(4).		Chloride	---	---	Molybdenum	---
*Phosphorus(chronic) = applies only above the facilities listed at 36.5(4).		Chlorine	---	0.011	Nickel	TVS
*Cadmium(acute) = See 36.6(4) for temporary modifications, site-specific standards and assessment locations.		Cyanide	0.005	---	Selenium	TVS
Cadmium(chronic) = See 36.6(4) for temporary modifications, site-specific standards and assessment locations.		Nitrate	100	---	Silver	varies
*Copper(acute) = See 36.6(4) for temporary modifications, site-specific standards and assessment locations.		Nitrite	---	10	Uranium	---
Copper(chronic) = See 36.6(4) for temporary modifications, site-specific standards and assessment locations.		Phosphorus	---	0.11	Zinc	varies*
*Lead(acute) = See 36.6(4) for temporary modifications, site-specific standards and assessment locations.		Sulfate	---	---		
*Lead(chronic) = See 36.6(4) for temporary modifications, site-specific standards and assessment locations.		Sulfide	---	0.002		
*Manganese(acute) = See 36.6(4) for site-specific standards and assessment locations.						
*Manganese(chronic) = See 36.6(4) for site-specific standards and assessment locations.						
*Silver(acute) = See 36.6(4) for temporary modifications, site-specific standards and assessment locations.						
*Zinc(acute) = See 36.6(4) for temporary modifications, site-specific standards and assessment locations.						
*Zinc(chronic) = See 36.6(4) for temporary modifications, site-specific standards and assessment locations.						
*TempMod: Ammonia = Willow below Creede WWTF.						
*TempMod: Cadmium = See 36.6(4) for temporary modifications and assessment locations.						
*TempMod: Copper = See 36.6(4) for temporary modifications and assessment locations.						
*TempMod: Lead = See 36.6(4) for temporary modifications and assessment locations.						
*TempMod: Silver = See 36.6(4) for temporary modifications and assessment locations.						
*TempMod: Zinc = See 36.6(4) for temporary modifications and assessment locations.						

All metals are dissolved unless otherwise noted.
T = total recoverable
t = total
tr = trout

D.O. = dissolved oxygen
DM = daily maximum
MWAT = maximum weekly average temperature
See 36.6 for details on TVS, TVS(tr), WS, temperature standards.

EXHIBIT 4
WATER QUALITY CONTROL DIVISION

COLORADO DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT
WATER QUALITY CONTROL COMMISSION

5 CCR 1002-37

REGULATION NO. 37
CLASSIFICATIONS AND NUMERIC STANDARDS
FOR
LOWER COLORADO RIVER BASIN

....

37.38 STATEMENT OF BASIS, SPECIFIC STATUTORY AUTHORITY AND PURPOSE; DECEMBER 11, 2017 RULEMAKING; FINAL ACTION JANUARY 8, 2018; EFFECTIVE DATE JUNE 30, 2018

The provisions of C.R.S. 25-8-202(1)(a), (b) and (2); 25-8-203; 25-8-204; and 25-8-402; provide the specific statutory authority for adoption of these regulatory amendments. The Commission also adopted in compliance with 24-4-103(4) C.R.S. the following statement of basis and purpose.

BASIS AND PURPOSE

Pursuant to the requirements in the Basic Standards (at 31.7(3)), the commission reviewed the status of temporary modifications scheduled to expire before December 31, 2019 to determine whether the temporary modification should be modified, eliminated, or extended.

No action: The commission took no action on the temporary modifications on the following segments:

Lower Colorado Segment 4e: temporary modifications of the copper (expires 12/31/2019) and iron (expires 12/31/2018) standards. Tri-State Power and Generation presented evidence that it is making progress on the plan for eliminating the need for the temporary modifications. The commission took no action on the temporary modifications on this segment as the original time allotment was deemed adequate to resolve the uncertainty.

**COLORADO DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT
WATER QUALITY CONTROL COMMISSION**

5 CCR 1002-37

**REGULATION NO. 37
CLASSIFICATIONS AND NUMERIC STANDARDS
FOR
LOWER COLORADO RIVER BASIN**

**APPENDIX 37-1
Stream Classifications and Water Quality Standards Tables**

Effective 06/30/~~2017~~2018

REGULATION #37 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

Lower Colorado River

4e. Mainstem of Dry Creek including all tributaries and wetlands from the source to immediately above the Last Chance Ditch.						
COLCLC04E	Classifications	Physical and Biological			Metals (ug/L)	
Designation			DM	MWAT	acute	chronic
UP	Agriculture					
	Aq Life Cold 2	Temperature °C	CS-II	CS-II	Aluminum	---
	Recreation N		acute	chronic	Arsenic	340
Qualifiers:		D.O. (mg/L)	---	5.0	Beryllium	---
Other:		pH	6.5 - 9.0	---	Cadmium	TVS
Temporary Modification(s):		chlorophyll a (mg/m2)	---	---	Chromium III	TVS
Copper(ac/ch) = current conditions		E. Coli (per 100 mL)	---	630	Chromium III	---
Expiration Date of 12/31/2019		Inorganic (mg/L)			Chromium VI	TVS
Iron(chronic) = current conditions			acute	chronic	Copper	TVS
Expiration Date of 12/31/2018		Ammonia	TVS	TVS	Iron	---
*Phosphorus(chronic) = applies only above the facilities listed at 37.5(4).		Boron	---	0.75	Lead	TVS
		Chloride	---	---	Manganese	TVS
		Chlorine	0.019	0.011	Mercury	---
		Cyanide	0.005	---	Molybdenum	---
		Nitrate	100	---	Nickel	TVS
		Nitrite	---	0.05	Selenium	TVS
		Phosphorus	---	0.11*	Silver	TVS
		Sulfate	---	---	Uranium	---
		Sulfide	---	0.002	Zinc	TVS

All metals are dissolved unless otherwise noted.
T = total recoverable
t = total
tr = trout
sc = sculpin

D.O. = dissolved oxygen
DM = daily maximum
MWAT = maximum weekly average temperature
See 37.6 for details on TVS, TVS(tr), TVS(sc), WS, temperature standards.

EXHIBIT 5
WATER QUALITY CONTROL DIVISION

COLORADO DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT
WATER QUALITY CONTROL COMMISSION

5 CCR 1002-38

REGULATION NO. 38
CLASSIFICATIONS AND NUMERIC STANDARDS
FOR
SOUTH PLATTE RIVER BASIN, LARAMIE RIVER BASIN,
REPUBLICAN RIVER BASIN, SMOKY HILL RIVER BASIN

....

38.97 STATEMENT OF BASIS, SPECIFIC STATUTORY AUTHORITY AND PURPOSE; DECEMBER 11, 2017 RULEMAKING; FINAL ACTION JANUARY 8, 2018; EFFECTIVE DATE JUNE 30, 2018

The provisions of C.R.S. 25-8-202(1)(a), (b) and (2); 25-8-203; 25-8-204; and 25-8-402; provide the specific statutory authority for adoption of these regulatory amendments. The commission also adopted in compliance with 24-4-103(4) C.R.S. the following statement of basis and purpose.

BASIS AND PURPOSE

Pursuant to the requirements in the Basic Standards (at 31.7(3)), the commission reviewed the status of temporary modifications scheduled to expire before December 31, 2019 to determine whether the temporary modification should be modified, eliminated, or extended.

No action: The commission took no action on the temporary modifications on the following segments:

Upper South Platte Segment 3: temporary modification of the ammonia standard below the Florissant Wastewater Treatment Facility (expires 12/31/2017). The Town of Florissant obtained funding to upgrade its facility and a progress report indicated the facility is on track to comply with ammonia effluent limits. The commission took no action on this temporary modification and it was deleted from the table because it expires 12/31/2017.

Upper South Platte Segment 10a: temporary modifications of the copper (expires 12/31/2018; applies below the Plum Creek Water Reclamation Authority) and manganese (expires 6/30/2019) standards. Plum Creek Water Reclamation Authority continues to make progress on resolving the uncertainty underlying both temporary modifications. The commission made no change to the expiration date as the original time allotment was deemed adequate to resolve the uncertainty.

Clear Creek Segments 11, 14a, 14b, and 15: temporary modification of the temperature standard (expires 6/30/2019). Miller Coors continues to make progress on resolving the uncertainty. The commission made no change to the expiration date as the original time allotment was deemed adequate to resolve the uncertainty.

Clear Creek Segment 13b: temporary modification of the cadmium standard (expires 12/31/2018). Black Hawk and Central City Sanitation District continues to make progress on resolving the uncertainty. The commission made no change to the expiration date as the original time allotment was deemed adequate to resolve the uncertainty.

New temporary modifications of the arsenic standard:

Consistent with the actions taken in 2013, the commission adopted a temporary modification of the arsenic standard on segments on the following list, with an expiration date of 12/31/2021. At the April 8, 2013 rulemaking, the commission heard testimony that concurred with the finding from a December 13, 2011 rulemaking hearing that an initial reasonable lower limit of treatment technology for arsenic is 3.0 µg/L, pending further investigation by the division, dischargers and stakeholders. The temporary modification was established by the commission to allow for a temporarily less stringent application of the chronic arsenic standard in control requirements for both existing discharges and new or increased discharges.

Cherry Creek Segment 3
Boulder Creek Segment 7b

**COLORADO DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT
WATER QUALITY CONTROL COMMISSION**

5 CCR 1002-38

**REGULATION NO. 38
CLASSIFICATIONS AND NUMERIC STANDARDS
FOR
SOUTH PLATTE RIVER BASIN, LARAMIE RIVER BASIN
REPUBLICAN RIVER BASIN, SMOKY HILL RIVER BASIN**

**APPENDIX 38-1
Stream Classifications and Water Quality Standards Tables**

Effective 06/30/~~2017~~2018

REGULATION #38 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

Upper South Platte River Basin

3. All tributaries to the South Platte River, including all wetlands from a point immediately below the confluence with Tarryall Creek to a point immediately above the confluence with the North Fork of the South Platte River, except for specific listings in Segment 1b.

COSPUS03	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture	DM	MWAT	acute		chronic	
Reviewable	Aq Life Cold 1	Temperature °C	CS-I	CS-I	Aluminum	---	---
	Recreation E	acute	chronic	Arsenic	340	0.02(T)	
	Water Supply	D.O. (mg/L)	---	6.0	Beryllium	---	---
Qualifiers:		D.O. (spawning)	---	7.0	Cadmium	TVS(tr)	TVS
Other: Temporary Modification(s): Ammonia(ac/ch) = current condition* Expiration Date of 12/31/2017 Arsenic(chronic) = hybrid Expiration Date of 12/31/2021 *chlorophyll a (mg/m2)(chronic) = applies only above the facilities listed at 38.5(4). *Phosphorus(chronic) = applies only above the facilities listed at 38.5(4). *TempMod: Ammonia = below the Florissant Wastewater Treatment Facility outfall.		pH	6.5 - 9.0	---	Cadmium	5.0(T)	---
		chlorophyll a (mg/m2)	---	150*	Chromium III	50(T)	TVS
		E. Coli (per 100 mL)	---	126	Chromium VI	TVS	TVS
					Copper	TVS	TVS
		Inorganic (mg/L)			Iron	---	WS
					Iron	---	1000(T)
		Ammonia	TVS	TVS	Lead	TVS	TVS
		Boron	---	0.75	Lead	50(T)	---
		Chloride	---	250	Manganese	TVS	TVS
		Chlorine	0.019	0.011	Manganese	---	WS
		Cyanide	0.005	---	Mercury	---	0.01(t)
		Nitrate	10	---	Molybdenum	---	150(T)
		Nitrite	---	0.05	Nickel	TVS	TVS
		Phosphorus	---	0.11*	Nickel	---	100(T)
		Sulfate	---	WS	Selenium	TVS	TVS
Sulfide	---	0.002	Silver	TVS	TVS(tr)		
			Uranium	---	---		
			Zinc	TVS	TVS		

10a. Mainstems of East Plum Creek, West Plum Creek, and Plum Creek from the boundary of National Forest lands to Chatfield Reservoir, mainstems of Stark Creek and Gove Creek from the boundary of National Forest lands to their confluence.

COSPUS10A	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture	DM	MWAT		acute	chronic	
Reviewable	Aq Life Warm 1	Temperature °C	WS-I	WS-I	Aluminum	---	---
	Recreation E	acute	chronic		Arsenic	340	0.02(T)
	Water Supply	D.O. (mg/L)	---	5.0	Beryllium	---	---
Qualifiers:		pH	6.5 - 9.0	---	Cadmium	TVS	TVS
Other: Temporary Modification(s): Arsenic(chronic) = hybrid Expiration Date of 12/31/2021 Copper(ac/ch) = current condition* Expiration Date of 12/31/2018 Manganese(chronic) = current condition* Expiration Date of 6/30/2019 temperature(DM/MWAT) = current condition* 12/1 - 2/29 Expiration Date of 12/31/2020 *chlorophyll a (mg/m2)(chronic) = applies only above the facilities listed at 38.5(4). *Phosphorus(chronic) = applies only above the facilities listed at 38.5(4). *TempMod: Copper = East Plum Creek and Plum Creek below the PCWRA discharge. *TempMod: Manganese = applies to the manganese WS standard. *TempMod: temperature(12/1 - 2/29) = East Plum Creek and Plum Creek below the PCWRA discharge.		chlorophyll a (mg/m2)	---	150*	Cadmium	5.0(T)	---
		E. Coli (per 100 mL)	---	126	Chromium III	50(T)	TVS
		Inorganic (mg/L)		Chromium VI	TVS	TVS	
			acute	chronic	Copper	TVS	TVS
		Ammonia	TVS	TVS	Iron	---	WS
		Boron	---	0.75	Iron	---	1000(T)
		Chloride	---	250	Lead	TVS	TVS
		Chlorine	0.019	0.011	Lead	50(T)	---
		Cyanide	0.005	---	Manganese	TVS	TVS
		Nitrate	10	---	Manganese	---	WS
		Nitrite	---	0.5	Mercury	---	0.01(t)
		Phosphorus	---	0.17*	Molybdenum	---	150(T)
		Sulfate	---	WS	Nickel	TVS	TVS
		Sulfide	---	0.002	Nickel	---	100(T)
					Selenium	TVS	TVS
					Silver	TVS	TVS
					Uranium	---	---
			Zinc	TVS	TVS		

All metals are dissolved unless otherwise noted.
T = total recoverable
t = total
tr = trout

D.O. = dissolved oxygen
DM = daily maximum
MWAT = maximum weekly average temperature
See 38.6 for details on TVS, TVS(tr), WS, temperature standards.

REGULATION #38 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

Cherry Creek Basin

3. Mainstem of Cherry Creek from the outlet of Cherry Creek Reservoir to the confluence with the South Platte River.							
COSPCH03	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture	DM	MWAT		acute	chronic	
Reviewable	Aq Life Warm 2	Temperature °C	WS-II	WS-II	Aluminum	---	---
	Recreation E	acute	chronic		Arsenic	340	0.02-10(T) ^A
	Water Supply	D.O. (mg/L)	---	5.0	Beryllium	---	---
Qualifiers:		pH	6.5 - 9.0	---	Cadmium	TVS	TVS
Other: <u>Temporary Modification(s):</u> <u>Arsenic(chronic) = hybrid</u> <u>Expiration Date of 12/31/2021</u>		chlorophyll a (mg/m2)	---	---	Cadmium	5.0(T)	---
		E. Coli (per 100 mL)	---	126	Chromium III	50(T)	TVS
		Inorganic (mg/L)			Chromium VI	TVS	TVS
			acute	chronic	Copper	TVS	TVS
		Ammonia	TVS	TVS	Iron	---	WS
		Boron	---	0.75	Iron	---	1000(T)
		Chloride	---	250	Lead	TVS	TVS
		Chlorine	0.019	0.011	Lead	50(T)	---
		Cyanide	0.005	---	Manganese	TVS	TVS
		Nitrate	10	---	Manganese	---	WS
		Nitrite	---	0.5	Mercury	---	0.01(t)
		Phosphorus	---	---	Molybdenum	---	150(T)
		Sulfate	---	WS	Nickel	TVS	TVS
		Sulfide	---	0.002	Nickel	---	100(T)
					Selenium	TVS	TVS
					Silver	TVS	TVS
					Uranium	---	---
					Zinc	TVS	TVS

All metals are dissolved unless otherwise noted.
T = total recoverable
t = total
tr = trout

D.O. = dissolved oxygen
DM = daily maximum
MWAT = maximum weekly average temperature
See 38.6 for details on TVS, TVS(tr), WS, temperature standards.

REGULATION #38 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

Clear Creek Basin

11. Mainstem of Clear Creek from a point just above the Argo Tunnel discharge to the Farmers Highline Canal diversion in Golden, Colorado.							
COSPCL11	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture	DM	MWAT	acute	chronic		
UP	Aq Life Cold 1	Temperature °C	CS-I	CS-I	Aluminum	---	
	Recreation E	acute	chronic	Arsenic	340	0.02(T)	
	Water Supply	D.O. (mg/L)	---	6.0	Beryllium	---	
Qualifiers:		D.O. (spawning)	---	7.0	Cadmium	TVS(tr)	
Other: Temporary Modification(s): Arsenic(chronic) = hybrid Expiration Date of 12/31/2021 temperature(DM/MWAT) = current condition* Expiration Date of 6/30/2019 *Zinc(acute) = 0.978e^(0.8537[ln(hardness)]+1.9467) *Zinc(chronic) = 0.986e^(0.8537[ln(hardness)]+1.8032) *TempMod: temperature = from a point just downstream of the US 6 Bridge to the Farmers Highline Canal diversion in Golden, Colorado.		pH	6.5 - 9.0	---	Cadmium	5.0(T)	
		chlorophyll a (mg/m2)	---	---	Chromium III	50(T)	TVS
		E. Coli (per 100 mL)	---	126	Chromium VI	TVS	TVS
					Copper	---	17
		Inorganic (mg/L)			Iron	---	WS
		acute	chronic	Iron	---	1000(T)	
		Ammonia	TVS	TVS	Lead	TVS	TVS
		Boron	---	0.75	Lead	50(T)	---
		Chloride	---	250	Manganese	TVS	TVS
		Chlorine	0.019	0.011	Manganese	---	WS
		Cyanide	0.005	---	Mercury	---	0.01(t)
		Nitrate	10	---	Molybdenum	---	150(T)
		Nitrite	---	0.05	Nickel	TVS	TVS
		Phosphorus	---	---	Nickel	---	100(T)
		Sulfate	---	WS	Selenium	TVS	TVS
		Sulfide	---	0.002	Silver	TVS	TVS(tr)
					Uranium	---	---
					Zinc	---	SSE*
					Zinc	SSE*	---
		13b. Mainstem of North Clear Creek including all tributaries and wetlands from a point just below the confluence with Chase Gulch to the confluence with Clear Creek, except for the specific listings in Segment 13a.					
COSPCL13B	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture	DM	MWAT	acute	chronic		
UP	Aq Life Cold 2	Temperature °C	CS-I	CS-I	Aluminum	---	
	Recreation E	acute	chronic	Arsenic	340	100(T)	
Qualifiers:		D.O. (mg/L)	---	6.0	Beryllium	---	
Other: Temporary Modification(s): Cadmium(chronic) = 4.7 Expiration Date of 12/31/2018 temperature(DM/MWAT) = current condition Expiration Date of 12/31/2020 *chlorophyll a (mg/m2)(chronic) = applies only above the facilities listed at 38.5(4). *Phosphorus(chronic) = applies only above the facilities listed at 38.5(4).		D.O. (spawning)	---	7.0	Cadmium	TVS(tr)	
		pH	6.5 - 9.0	---	Chromium III	TVS	TVS
		chlorophyll a (mg/m2)	---	150*	Chromium III	---	100(T)
		E. Coli (per 100 mL)	---	126	Chromium VI	TVS	TVS
					Copper	---	64
		Inorganic (mg/L)			Iron	---	5400(T)
		acute	chronic	Lead	TVS	TVS	
		Ammonia	TVS	TVS	Manganese	TVS	TVS
		Boron	---	0.75	Mercury	---	0.01(t)
		Chloride	---	---	Molybdenum	---	150(T)
		Chlorine	0.019	0.011	Nickel	TVS	TVS
		Cyanide	0.005	---	Selenium	TVS	TVS
		Nitrate	100	---	Silver	TVS	TVS(tr)
		Nitrite	---	0.05	Uranium	---	---
		Phosphorus	---	0.11*	Zinc	---	740
		Sulfate	---	---			
		Sulfide	---	0.002			

All metals are dissolved unless otherwise noted.
T = total recoverable
t = total
tr = trout

D.O. = dissolved oxygen
DM = daily maximum
MWAT = maximum weekly average temperature
See 38.6 for details on TVS, TVS(tr), WS, temperature standards.

REGULATION #38 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

Clear Creek Basin

14a. Mainstem of Clear Creek from the Farmers Highline Canal diversion in Golden, Colorado to the Denver Water conduit #16 crossing.							
COSPCL14A	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture	DM	MWAT	acute	chronic		
UP	Aq Life Warm 2	Temperature °C	WS-II	WS-II	Aluminum	---	
	Recreation N	acute	chronic	Arsenic	340	0.02-10(T)	
	Water Supply	D.O. (mg/L)	---	5.0	Beryllium	---	
Qualifiers:		pH	6.5 - 9.0	---	Cadmium	TVS	
Other: Temporary Modification(s): Arsenic(chronic) = hybrid Expiration Date of 12/31/2021 temperature(DM/MWAT) = current condition Expiration Date of 6/30/2019 *Zinc(acute) = TVS x (times) the FWER (final water effect ratio). Expiration date of 12/31/20. *Zinc(chronic) = TVS x (times) the FWER (final water effect ratio). Expiration date of 12/31/20.		chlorophyll a (mg/m2)	---	---	Cadmium	5.0(T)	
		E. Coli (per 100 mL)	---	630	Chromium III	50(T)	TVS
		Inorganic (mg/L)			Chromium VI	TVS	TVS
		acute	chronic	Copper	TVS	TVS	
		Ammonia	TVS	TVS	Iron	---	WS
		Boron	---	0.75	Iron	---	1000(T)
		Chloride	---	250	Lead	TVS	TVS
		Chlorine	0.019	0.011	Lead	50(T)	---
		Cyanide	0.005	---	Manganese	TVS	244
		Nitrate	10	---	Mercury	---	0.01(t)
		Nitrite	---	0.5	Molybdenum	---	150(T)
		Phosphorus	---	---	Nickel	TVS	TVS
		Sulfate	---	WS	Nickel	---	100(T)
		Sulfide	---	0.002	Selenium	TVS	TVS
					Silver	TVS	TVS
					Uranium	---	---
					Zinc	TVSx1.57*	TVSx1.57*
14b. Mainstem of Clear Creek from the Denver Water conduit #16 crossing to a point just below Youngfield Street in Wheat Ridge, Colorado.							
COSPCL14B	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture	DM	MWAT	acute	chronic		
UP	Aq Life Warm 2	Temperature °C	WS-II	WS-II	Aluminum	---	
	Recreation E	acute	chronic	Arsenic	340	0.02(T)	
	Water Supply	D.O. (mg/L)	---	5.0	Beryllium	---	
Qualifiers:		pH	6.5 - 9.0	---	Cadmium	TVS	
Water + Fish Standards		chlorophyll a (mg/m2)	---	---	Cadmium	5.0(T)	
Other: Temporary Modification(s): temperature(DM/MWAT) = current condition Expiration Date of 6/30/2019 *Zinc(acute) = TVS x (times) the FWER (final water effect ratio). Expiration date of 12/31/20. *Zinc(chronic) = TVS x (times) the FWER (final water effect ratio). Expiration date of 12/31/20.		E. Coli (per 100 mL)	---	126	Chromium III	50(T)	
		Inorganic (mg/L)			Chromium VI	TVS	TVS
		acute	chronic	Copper	TVS	TVS	
		Ammonia	TVS	TVS	Iron	---	WS
		Boron	---	0.75	Iron	---	1000(T)
		Chloride	---	250	Lead	TVS	TVS
		Chlorine	0.019	0.011	Lead	50(T)	---
		Cyanide	0.005	---	Manganese	TVS	244
		Nitrate	10	---	Mercury	---	0.01(t)
		Nitrite	---	0.5	Molybdenum	---	150(T)
		Phosphorus	---	---	Nickel	TVS	TVS
		Sulfate	---	WS	Nickel	---	100(T)
		Sulfide	---	0.002	Selenium	TVS	TVS
					Silver	TVS	TVS
					Uranium	---	---
					Zinc	TVSx1.57*	TVSx1.57*

14b. Mainstem of Clear Creek from the Denver Water conduit #16 crossing to a point just below Youngfield Street in Wheat Ridge, Colorado.							
COSPCL14B Classifications		Physical and Biological			Metals (ug/L)		
Designation	Agriculture		DM	MWAT		acute	chronic
UP	Aq Life Warm 2	Temperature °C	WS-II	WS-II	Aluminum	---	---
	Recreation E		acute	chronic	Arsenic	340	0.02(T)
	Water Supply	D.O. (mg/L)	---	5.0	Beryllium	---	---
Qualifiers:		pH	6.5 - 9.0	---	Cadmium	TVS	TVS
Water + Fish Standards		chlorophyll a (mg/m2)	---	---	Cadmium	5.0(T)	---
Other:		E. Coli (per 100 mL)	---	126	Chromium III	50(T)	TVS
Temporary Modification(s): temperature(DM/MWAT) = current condition Expiration Date of 6/30/2019 *Zinc(acute) = TVS x (times) the FWER (final water effect ratio). Expiration date of 12/31/20. *Zinc(chronic) = TVS x (times) the FWER (final water effect ratio). Expiration date of 12/31/20.		Inorganic (mg/L)			Chromium VI	TVS	TVS
			acute	chronic	Copper	TVS	TVS
		Ammonia	TVS	TVS	Iron	---	WS
		Boron	---	0.75	Iron	---	1000(T)
		Chloride	---	250	Lead	TVS	TVS
		Chlorine	0.019	0.011	Lead	50(T)	---
		Cyanide	0.005	---	Manganese	TVS	244
		Nitrate	10	---	Mercury	---	0.01(t)
		Nitrite	---	0.5	Molybdenum	---	150(T)
		Phosphorus	---	---	Nickel	TVS	TVS
		Sulfate	---	WS	Nickel	---	100(T)
		Sulfide	---	0.002	Selenium	TVS	TVS
					Silver	TVS	TVS
					Uranium	---	---
					Zinc	TVSx1.57*	TVSx1.57*

All metals are dissolved unless otherwise noted.
T = total recoverable
t = total
tr = trout

D.O. = dissolved oxygen
DM = daily maximum
MWAT = maximum weekly average temperature
See 38.6 for details on TVS, TVS(tr), WS, temperature standards.

REGULATION #38 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

Clear Creek Basin

15. Mainstem of Clear Creek from Youngfield Street in Wheat Ridge, Colorado, to the confluence with the South Platte River.						
COSPCL15	Classifications	Physical and Biological			Metals (ug/L)	
Designation	Agriculture		DM	MWAT		
Reviewable	Aq Life Warm 1*	Temperature °C	WS-II	WS-II	Aluminum	---
	Recreation E		acute	chronic	Arsenic	340
	Water Supply	D.O. (mg/L)	---	5.0	Beryllium	---
Qualifiers:		pH	6.5 - 9.0	---	Cadmium	TVS
Other: Temporary Modification(s): Arsenic(chronic) = hybrid Expiration Date of 12/31/2021 temperature(DM/MWAT) = current condition Expiration Date of 6/30/2019 *Classification: Aquatic life warm 1 goal qualifier. *Zinc(acute) = TVS x (times) the FWER (final water effect ratio). Expiration date of 12/31/20. *Zinc(chronic) = TVS x (times) the FWER (final water effect ratio). Expiration date of 12/31/20.		chlorophyll a (mg/m2)	---	---	Cadmium	5.0(T)
		E. Coli (per 100 mL)	---	126	Chromium III	50(T)
		Inorganic (mg/L)			Chromium VI	TVS
			acute	chronic	Copper	TVS
		Ammonia	TVS	TVS	Iron	---
		Boron	---	0.75	Iron	---
		Chloride	---	250	Lead	TVS
		Chlorine	0.019	0.011	Lead	50(T)
		Cyanide	0.005	---	Manganese	TVS
		Nitrate	10	---	Manganese	---
		Nitrite	---	0.5	Mercury	---
		Phosphorus	---	---	Molybdenum	---
		Sulfate	---	WS	Nickel	TVS
		Sulfide	---	0.002	Nickel	---
					Selenium	TVS
			Silver	TVS		
			Uranium	---		
			Zinc	TVSx1.57*		

All metals are dissolved unless otherwise noted.
T = total recoverable
t = total
tr = trout

D.O. = dissolved oxygen
DM = daily maximum
MWAT = maximum weekly average temperature
See 38.6 for details on TVS, TVS(tr), WS, temperature standards.

REGULATION #38 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

Boulder Creek Basin

7b. Mainstem of Coal Creek from Highway 36 to the confluence with Boulder Creek.							
COSPBO07B	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture		DM	MWAT		acute	chronic
Reviewable	Aq Life Warm 2	Temperature °C	WS-II	WS-II	Aluminum	---	---
	Recreation E		acute	chronic	Arsenic	340	0.02-10(T) ^A
	Water Supply	D.O. (mg/L)	---	5.0	Beryllium	---	---
Qualifiers:		pH	6.5 - 9.0	---	Cadmium	TVS	TVS
<div>Other:</div> <div><u>Temporary Modification(s):</u></div> <div><u>Arsenic(chronic) = hybrid</u></div> <div><u>Expiration Date of 12/31/2021</u></div>		chlorophyll a (mg/m2)	---	---	Cadmium	5.0(T)	---
		E. Coli (per 100 mL)	---	126	Chromium III	50(T)	TVS
		Inorganic (mg/L)			Chromium VI	TVS	TVS
			acute	chronic	Copper	TVS	TVS
		Ammonia	TVS	TVS	Iron	---	WS
		Boron	---	0.75	Iron	---	1000(T)
		Chloride	---	250	Lead	TVS	TVS
		Chlorine	0.019	0.011	Lead	50(T)	---
		Cyanide	0.005	---	Manganese	TVS	TVS
		Nitrate	10	---	Manganese	---	WS
		Nitrite	---	0.5	Mercury	---	0.01(t)
		Phosphorus	---	---	Molybdenum	---	150(T)
		Sulfate	---	WS	Nickel	TVS	TVS
		Sulfide	---	0.002	Nickel	---	100(T)
					Selenium	TVS	TVS
					Silver	TVS	TVS
					Uranium	---	---
					Zinc	TVS	TVS

All metals are dissolved unless otherwise noted.
T = total recoverable
t = total
tr = trout

D.O. = dissolved oxygen
DM = daily maximum
MWAT = maximum weekly average temperature
See 38.6 for details on TVS, TVS(tr), WS, temperature standards.

EXHIBIT 6
PEABODY SAGE CREEK MINING COMPANY
AND SENECA COAL COMPANY

DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT

Water Quality Control Commission

REGULATION NO. 33 - CLASSIFICATIONS AND NUMERIC STANDARDS FOR UPPER COLORADO RIVER BASIN AND NORTH PLATTE RIVER (PLANNING REGION 12)

5 CCR 1002-33

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33.6 TABLES

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(4) Assessment Criteria

The following criteria shall be used when assessing whether a specified waterbody is in attainment of the specified standard.

~~(e)(a)~~ Yampa River Segment 13b: Standards and Iron Assessment Thresholds and Locations for Iron and Selenium

Iron Standards:

Middle Creek-

March-June, ~~Fe(ch) = 2090(Tree)~~Iron(chronic)=2090(T), median of all data
July-February, ~~Fe(ch) = 1000 (Tree)~~Iron(chronic)=1000(T)

Foidel Creek: ~~Fe(ch) = 1000(Tree)~~Iron(chronic)=1000(T), median of all data

Iron Assessment Locations:

- Middle Creek Site G-MC-2/Site 29: located at ~~N~~40°-23'-48.3"N, ~~W~~106°-58'47.0"W.
- Foidel Creek Site 14: located at ~~N~~40°-33'-48.6"N, ~~W~~107°-08'-63.5"W.
- Foidel Creek Site 8: located at ~~N~~40°-21'-55.7"N, ~~W~~107°-02'-43.6"W.
- Foidel Creek Site 900: located at ~~N~~40°-23'-24.7"N, ~~W~~106°-59'-40.9"W.

Selenium Standards:

Selenium(chronic)=9.5 mg/kg dry weight whole body. See section 33.6(4)(h) for fish-tissue assessment method.

Selenium Assessment Locations:

- Foidel Creek Site FOC-1, located at 40°21'55.69"N, 107°2'43.57"W.

~~(a)(b)~~ Yampa River Segment 13d, ~~Dry Creek: Iron Standards and~~ Assessment Thresholds and Locations for Iron and Selenium

Iron Standards:

~~Mar-Apr, Fe(ch) = 3040(Trec), snowmelt season median values~~

~~May-Feb, Fe(ch) = 1110(Trec), no snowmelt season median values~~

Dry Creek, Watering Trough Gulch, and 005 Gulch: Iron(chronic)= 1000(T)

Hubberson Gulch

March-June, Iron(chronic)=2750(T)

July-February, Iron(chronic)=1000(T)

Iron Assessment Locations:

- ~~Seneca II-W Stream Site 7 on Hubberson Gulch (WSH7): located in the middle reaches of Hubberson Gulch~~
Dry Creek Site G-DC-2/WSD5, located at 40°25'18.50"N, 107°15'41.80"W.
- Watering Trough Gulch Site G-WTG-2, located at 40°23'32.38"N, 107°16'24.35"W.
- 005 Gulch Site G-05-2, located at 40°24'26.94"N, 107°15'56.67"W.
- Hubberson Gulch Site G-HG-2/WSHF1, located at 40°23'31.50"N, 107°16'20.40"W.
- ~~Seneca II-W Flume Site 1 on Hubberson Gulch (WSHF1): located on Hubberson Gulch just upstream of its confluence with Dry Creek~~

~~Seneca II-W Stream Site 5 on Dry Creek (WSD5): located in the middle reaches of Dry Creek~~
Selenium Standards:

Selenium(chronic)=9.5 mg/kg dry weight whole body. See section 33.6(4)(h) for fish-tissue assessment method.

Selenium Assessment Locations:

- Dry Creek Site G-DC-1, located at 40°23'45.2"N, 107°16'19.5"W.
- Dry Creek Site G-DC-2/WSD5, located at 40°25'18.50"N, 107°15'41.80"W.

~~(b)(c)~~ Yampa River Segment 13e, ~~Sage Creek: Iron Standards and~~ Assessment Thresholds and Locations for Iron and Selenium

Iron Standards:

Upper Sage Creek: Fe(ch)Iron(chronic)=-1250(Trec), median of all data

Lower Sage Creek: Iron(chronic)=1000(T), median of all data

Break between Upper and Lower Sage Creek is the west border of Section 18, T5N, R87W.

Iron Assessment Locations:

- Yeast Stream Site 2 on Sage Creek (YSS2): located upstream of the west border of Section 18, T5N, R87W

Fe(ch) = 1000(Trec), median of all data

Assessment locations:

- Seneca II-W Stream Site 3 on Sage Creek (WSSF3): located downstream of the west border of Section 18, T5N, R87W

Selenium Standards:

Selenium(chronic)=9.5 mg/kg dry weight whole body. See section 33.6(4)(h) for fish-tissue assessment method.

Selenium Assessment Locations:

- Sage Creek Site G-SC-3, located at 40°26'28.8"N, 107°11'58.7"W.

(d) Yampa River Segment 13g: Standards and Assessment Locations for Selenium

Selenium Standards:

Selenium(chronic)=9.5 mg/kg dry weight whole body. See section 33.6(4)(h) for fish-tissue assessment method.

Selenium Assessment Locations:

- Bond Creek Site G-BC-2, located at 40°24'50.6"N, 107°01'58.0"W.
- Cow Camp Creek Site G-CC-2/SSC10, located at 40°23'51.7"N, 107°01'13.3"W.

(e) Yampa River Segment 13h: Standards and Assessment Locations for Selenium

Selenium Standards:

Lower Dry Creek and tributaries other than Temple Gulch:

March-July: Selenium(acute/chronic)=91.3 / 60.0 µg/L

August-February: Selenium(acute/chronic)=TVS / 6.6 µg/L

Temple Gulch:

March-July: Selenium(acute/chronic)=136.5 / 116.2 µg/L

August-February: Selenium(acute/chronic)=TVS / TVS µg/L

Selenium Assessment Locations

- Dry Creek Site G-DC-3/HGSD1, located at 40°27'26.0"N, 107°15'06.6"W.

- Dry Creek Site G-DC-4, located at 40°28'57.9"N, 107°14'21.1"W.
- Temple Gulch Site G-TG-1, located at 40°27'19.0"N, 107°15'45.0"W.

(f) Yampa River Segment 13i: Standards and Assessment Locations for Iron and Selenium

Iron Standards

Grassy Creek:

March-June: Iron(chronic)=1410(T)
July-February: Iron(chronic)=1000(T)

Little Grassy Creek:

March-June: Iron(chronic)=2000(T)
July-February: Iron(chronic)=1000(T)

Iron Assessment Locations

- Grassy Creek Site G-GC-1A/YSG6, located at 40°23'11.09"N, 107°9'13.31"W.
- Little Grassy Creek Site G-LGC-1A/SSLG5, located at 40°24'53.31"N, 107°07'37.96"W.

Selenium Standards:

Selenium(chronic)=9.5 mg/kg dry weight whole body. See section 33.6(4)(h) for fish-tissue assessment method.

Selenium Assessment Locations

- Grassy Creek Site G-GC-2/SSG2, located at 40°26'44.5"N, 107°08'38.4"W.

(g) Yampa River Segment 13j: Standards and Assessment Locations for Selenium

Selenium Standards:

Lower Grassy Creek:

March-July: Selenium(acute/chronic)=TVS / 6.25 µg/L
August-February: Selenium(acute/chronic)=TVS / TVS µg/L

Annand Draw:

March-July: Selenium(acute/chronic)=25.2 / 19.8 µg/L
August-February: Selenium(acute/chronic)=TVS / TVS µg/L

Scotchmans Gulch:

March-July: Selenium(acute/chronic)=65.8 / 40.9 µg/L
August-February: Selenium(acute/chronic)=TVS / TVS µg/L

Selenium Assessment Locations

- Lower Grassy Creek Site G-GC-3/YSG5, located at 40°26'51.7"N, 107°08'42.8"W.
- Lower Grassy Creek Site G-GC-4, located at 40°28'51.2"N, 107°09'04.4"W.

- Annand Draw Site G-AD-1A, located at 40°26'03.0"N, 107°09'23.5"W.
- Annand Draw Site G-AD-1/NPDES10, located at 40°24'35.4"N, 107°10'04.2"W.
- Scotchmans Gulch Site G-SG-1/YSSG1, located at 40°25'56.9"N, 107°10'02.3"W.
- Scotchmans Gulch Site G-SG-1A, located at 40°26'34.80"N, 107°08'43.93"W.

(h) Fish-Tissue Assessment Method and Permit Implementation for Selenium Whole Body Tissue Standards, Yampa River Segments 13b, 13d, 13e, 13g, and 13i.

The implementation of the chronic tissue-based standards will use a combination of water column and fish tissue data, using a water column trigger value of 8.8 µg/L, as follows:

- Compare the 85th percentile of water column concentrations to the trigger value. If the 85th percentile is lower than the trigger value, the standard is attained. If the 85th percentile is higher than the trigger value, proceed to assessment of fish tissue data.
- Compare the mean fish tissue concentrations (whole body) to the standard elements. If the mean fish tissue concentrations exceed the standard, then the standard is impaired.

For implementation in permitting, the following methods shall apply:

- For discharges that have reached a steady state (i.e., discharges of selenium that have existed at comparable flow and concentration more than 6 months), compare downstream mean fish tissue concentrations to the standard. If the mean fish tissue concentrations are significantly below the tissue-based standard, there is no reasonable potential for the discharge to cause or contribute to an exceedance of the fish tissue standard, and no WQBEL is necessary. Monitoring will be required to document continued steady-state conditions in the discharge.
- If the discharge has reasonable potential, effluent limitations will be required. If the 30-day average effluent concentrations exceed the trigger value, the discharger will be required to accelerate downstream fish tissue sampling. If the mean fish tissue concentrations at the first downstream site with fish exceed the standard, then the effluent limitation is exceeded.

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33.60 STATEMENT OF BASIS, SPECIFIC STATUTORY AUTHORITY AND PURPOSE; DECEMBER 11, 2017 RULEMAKING; FINAL ACTION JANUARY 8, 2018; EFFECTIVE DATE JUNE 30, 2018

The provisions of C.R.S. 25-8-202(1)(a), (b) and (2); 25-8-203; 25-8-204; and 25-8-402; provide the specific statutory authority for adoption of these regulatory amendments. The commission also adopted in compliance with 24-4-103(4) C.R.S. the following statement of basis and purpose.

BASIS AND PURPOSE

Yampa River Segments 13b, 13d, 13e, 13g, 13h, 13i, and 13j: temporary modifications of the iron standards (Segments 13d and 13i, expire 12/31/2018) and the selenium standards (Segments 13b, 13d,

13e, 13g, 13i, expire 12/31/2018) were reviewed. The Commission deleted the iron and selenium temporary modifications on these segments, and adopted site-specific iron and selenium standards on these and additional segments of the Yampa River sub-basin based on evidence submitted by Peabody Sage Creek Mining Company and Seneca Coal Company (Peabody).

IRON

Peabody submitted sufficient data and justification to support ambient-based site-specific total recoverable iron standards for Yampa River Segments 13d and 13i. Data indicate that natural or irreversible conditions within the Yampa River Basin watershed are driving instream concentrations of total recoverable iron. The Commission adopted the following seasonal standards based on the 50th percentile of iron data:

Yampa River Segment 13d:

Dry Creek, Watering Trough Gulch, and 005 Gulch: Iron (chronic) = 1000 (T) µg/L

Hubberson Gulch:

March-June: Iron (chronic) = 2750 (T) µg/L

July-February: Iron (chronic) = 1000 (T) µg/L

Yampa River Segment 13i:

Grassy Creek:

March-June: Iron (chronic) = 1410 (T) µg/L

July-February: Iron (chronic) = 1000 (T) µg/L

Little Grassy Creek,

March-June: Iron (chronic) = 2000 (T) µg/L

July-February: Iron (chronic) = 1000 (T) µg/L

Evidence submitted by Peabody demonstrated that ambient iron concentrations were not inhibiting the attainment of the limited aquatic use; the aquatic life use on these segments is limited due to the lack of water and flow throughout much of the drainage. Therefore, based on analysis of the benthic macroinvertebrate community, ambient standards are protective of the highest attainable use in these segments.

The Commission specified assessment locations for the iron standards at section 33.6(4), to ensure that future assessment is consistent with the methods used to derive the standards.

The Commission removed the temporary modifications for iron of “current condition” that had previously been in place for Yampa River Segments 13d and 13i.

SELENIUM

Peabody submitted sufficient data and justification to support selenium site-specific standards for Yampa River Segments 13b, 13d, 13e, 13g, 13h, 13i, and 13j.

The Yampa River sub-basin has limited water throughout many of the drainages, which affects the ability of these streams to support robust aquatic populations or for fish communities to develop and persist from year-to-year. The variability in available flow is one of the determining characteristics for evaluation of the potential for these streams to provide suitable habitat, especially in the upper extent of the segments. Concentrations of selenium in fish (where present) and invertebrate tissues are low in upper reaches, with increasing concentrations in the lower reaches, largely in response to the influx of groundwater with naturally occurring selenium from underlying geology, especially from un-mined tributaries.

In July 2016, the EPA released updated aquatic life ambient water quality criteria for selenium. In addition to the updated chronic water column criteria, the new criteria document included criteria for fish tissue, consisting of egg/ovary and whole body/muscle elements. Due to the bioaccumulative properties of selenium, EPA set the fish tissue criteria to take precedence over the water column criteria, and set the egg/ovary element to take precedence over the whole body/muscle element. In September 2016, EPA released draft support documents to accompany the selenium criteria; the support documents have not yet been finalized.

Peabody evaluated the available final and draft information from the EPA, and based on these documents proposed site-specific selenium standards for multiple Yampa River Segments.

The Commission adopted site-specific chronic selenium standards on segments 13b, 13d, 13e, 13g, and 13i of 9.5 mg/kg dry weight whole body tissue. These standards are based on a targeted recalculation of the EPA 304(a) fish tissue criteria, after removing the most sensitive species in the EPA database, white sturgeon, which is not found in the Colorado basin and is not a surrogate for another species. The Commission did not adopt egg ovary standards on segments 13b, 13d, 13e, 13g, or 13i due to site-specific considerations, namely the small population of fish in these reaches, as well as the often limited number of gravid fish from which to collect egg samples. Additionally, values based on muscle tissue or muscle plugs were not considered as the fish in these segments are too small for a muscle plug to be taken.

Recognizing the practical difficulties of collecting fish tissue data, the implementation of the chronic tissue-based standards will use a combination of water column and fish tissue data, using a trigger value of 8.8 µg/L, as follows:

- Assessment
 - Compare the 85th percentile of water column concentrations to the trigger value. If the 85th percentile is lower than the trigger value, the standard is attained. If the 85th percentile is higher than the trigger value, proceed to assessment of fish tissue data.
 - Compare the mean fish tissue concentrations (whole body) to the standard elements. If the mean fish tissue concentrations exceed the standard, then the standard is impaired.
- Permitting
 - For discharges that have reached a steady state (i.e., discharges of selenium that have existed at comparable flow and concentration more than 6 months), compare downstream mean fish tissue concentrations to the standard. If the mean fish tissue concentrations are significantly below the tissue-based standard, there is no reasonable potential for the discharge to cause or contribute to an exceedance of the fish tissue standard, and no WQBEL is necessary. Monitoring will be required to document continued steady-state conditions in the discharge.
 - If the discharge has reasonable potential, effluent limitations will be required. If the 30-day average effluent concentrations exceed the trigger value, the discharger will be required to accelerate downstream fish tissue sampling. If the mean fish tissue concentrations at the first downstream site with fish exceed the standard, then the effluent limitation is exceeded.

The water column trigger value of 8.8 µg/L was chosen based on re-calculations using Colorado-specific data from the National EPA database. This value is more appropriate than the national lotic criterion or existing table value standard, given that Colorado has specific selenium issues not present in other states.

The Commission adopted site-specific ambient-based selenium standards on segments 13h and 13j. Data indicate that natural or irreversible conditions within the Yampa Basin watershed are driving instream concentrations of selenium. The Commission adopted the following standards:

Yampa River Segment 13h:

Lower Dry Creek and tributaries other than Temple Gulch:

March-July: Selenium (acute/chronic) = 91.3 / 60.0 µg/L

August-February: Selenium (acute/chronic) = TVS / 6.6 µg/L

Temple Gulch:

March-July: Selenium (acute/chronic) = 136.5 / 116.2 µg/L

August-February: Selenium (acute/chronic) = TVS / TVS µg/L

Yampa River Segment 13j:

Lower Grassy Creek:

March-July: Selenium (acute/chronic) = TVS / 6.25 µg/L

August-February: Selenium (acute/chronic) = TVS / TVS µg/L

Annand Draw:

March-July: Selenium (acute/chronic) = 25.2 / 19.8 µg/L

August-February: Selenium (acute/chronic) = TVS / TVS µg/L

Scotchmans Gulch:

March-July: Selenium (acute/chronic) = 65.8 / 40.9 µg/L

August-February: Selenium (acute/chronic) = TVS / TVS µg/L

The Commission specified assessment locations for the selenium standards at section 33.6(4), to ensure that future assessment is consistent with the methods used to derive the standards.

The Commission removed the temporary modifications for selenium of “current condition” that had previously been in place for Yampa River Segments 13b, 13d, 13e, 13g, and 13i. The Commission recognizes that potential changes may be warranted to segment boundaries to fully address selenium issues in the Yampa River Basin.

TYPOGRAPHICAL AND OTHER CORRECTIONS

Finally, the Commission made edits to improve clarity and correct typographical errors in section 33.6(4) and the corresponding tables for Yampa River sub-basin segments, including:

- The assessment criteria for Yampa River segment 13b was moved from 33.6(4)(c) to 33.6(4)(a) to improve clarity in assessing, as multiple additional assessment criteria were added to this subsection 33.6(4). This resulted in shifting the subsections of the existing assessment information for Yampa River segments 13d and 13e.
- Certain abbreviations in subsection 33.6(4) were updated to match formatting changes adopted in January 2016, i.e., Fe was changed to Iron, ch was changed to chronic, Trec was changed to T, months were spelled out instead of abbreviated.
- Certain formatting changes were made in subsection 33.6(4) to improve readability of the section given the addition of information for assessment purposes, including rearranging and adding clarifying information for the iron standards and assessment locations for Yampa River Segment 13e. No substantive changes were made to the iron standards and iron assessment locations for segment 13e.
- The reference to section 33.6(4) for assessment locations for iron in the table for Yampa River Segment 13h was removed, as there is no assessment criteria for iron for this segment.

**COLORADO DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT
WATER QUALITY CONTROL COMMISSION**

5 CCR 1002-33

**REGULATION NO. 33
CLASSIFICATIONS AND NUMERIC STANDARDS
FOR
UPPER COLORADO RIVER BASIN AND
NORTH PLATTE RIVER (PLANNING REGION 12)**

**APPENDIX 33-1
Stream Classifications and Water Quality Standards Tables**

Effective 06/30/~~2017~~2018

REGULATION #33 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

Yampa River Basin

13b. Mainstem of Foidel Creek, including all tributaries and wetlands. Mainstem Fish Creek, including all tributaries from County Road 27 downstream to the confluence with Trout Creek, except for specific listings in Segment 13g. Middle Creek and all tributaries, from County Road 27 downstream to the confluence with Trout Creek.

COUCYA13B		Classifications			Physical and Biological			Metals (ug/L)		
Designation	Agriculture		DM	MWAT		acute	chronic			
Reviewable	Aq Life Warm 1	Temperature °C	WS-II	WS-II	Aluminum	---	---			
	Recreation E		acute	chronic	Arsenic	340	7.6(T)			
Qualifiers:		D.O. (mg/L)	---	6.0	Beryllium	---	---			
Other:		D.O. (spawning)	---	7.0	Cadmium	TVS(tr)	TVS			
Temporary Modification(s):		pH	6.5 - 9.0	---	Chromium III	TVS	TVS			
Selenium(chronic) = current conditions*		chlorophyll a (mg/m ²)	---	150	Chromium III	---	100(T)			
Expiration Date of 12/31/2018		E. Coli (per 100 mL)	---	126	Chromium VI	TVS	TVS			
					Copper	TVS	TVS			
		Inorganic (mg/L)			Iron	---	1000(T)*			
			acute	chronic	Iron	3/1 - 6/30	---	2090(T)*		
		Ammonia	TVS	TVS	Lead	TVS	TVS			
		Boron	---	0.75	Manganese	TVS	TVS			
		Chloride	---	---	Mercury	---	0.01(t)			
		Chlorine	0.019	0.011	Molybdenum	---	160(T)			
		Cyanide	0.005	---	Nickel	TVS	TVS			
		Nitrate	100	---	Selenium	TVS	TVSTissue*			
		Nitrite	---	0.05	Silver	TVS	TVS(tr)			
		Phosphorus	---	0.11	Uranium	---	---			
		Sulfate	---	---	Zinc	TVS	TVS			
		Sulfide	---	0.002						

13c. Mainstem of Trout Creek from the headgate of Spruce Hill Ditch (approximately 2,500 feet north of where County Road 27 crosses Trout Creek) to its confluence with Fish Creek. All tributaries to Trout Creek from the headgate of Spruce Hill Ditch (approximately 2,500 feet north of where County Road 27 crosses Trout Creek) to County Road 179 except for specific listings in 13b.

COUCYA13C	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture		DM	MWAT		acute	chronic
Reviewable	Aq Life Cold 1	Temperature °C	CS-II	CS-II	Aluminum	---	---
	Recreation E		acute	chronic	Arsenic	340	7.6(T)*
	Water Supply 6/1 - 2/29	D.O. (mg/L)	---	6.0	Beryllium	---	---
Qualifiers:		D.O. (spawning)	---	7.0	Cadmium	TVS(tr)	TVS
Other:		pH	6.5 - 9.0	---	Chromium III	TVS*	TVS
Temporary Modification(s):		chlorophyll a (mg/m²)	---	150	Chromium III	---	100(T)
Arsenic(chronic) = hybrid 6/1 - 2/29		E. Coli (per 100 mL)	---	126	Chromium VI	TVS	TVS
Expiration Date of 12/31/2021					Copper	TVS	TVS
		Inorganic (mg/L)			Iron	6/1 - 2/29 ---	WS
*Nitrate(acute) = 10 mg/L from 6/1 - 2/29			acute	chronic	Iron	---	1000(T)
*Arsenic(chronic) = 0.02(T) ug/L from 6/1 - 2/29		Ammonia	TVS	TVS	Lead	TVS	TVS
Chromium III(acute) = 50(T) ug/L from 6/1 - 2/29		Boron	---	0.75	Manganese	TVS	TVS
*Manganese(chronic) = WS from 6/1 - 2/29		Chloride 6/1 - 2/29	---	250	Mercury	---	0.01(t)
		Chlorine	0.019	0.011	Molybdenum	---	160(T)
		Cyanide	0.005	---	Nickel	TVS	TVS
		Nitrate	100*	---	Selenium	TVS	TVS
		Nitrite	---	0.05	Silver	TVS	TVS(tr)
		Phosphorus	---	0.11	Uranium	---	---
		Sulfate 6/1 - 2/29	---	WS	Zinc	TVS	TVS
		Sulfide	---	0.002			

REGULATION #33 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

Yampa River Basin

13d. Mainstem of Dry Creek, including all tributaries and wetlands, from the source to just above the confluence with Temple Gulch.							
COUCYA13D	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture		DM	MWAT		acute	chronic
UP	Aq Life Warm 2	Temperature °C	WS-II	WS-II	Aluminum	---	---
	Recreation E		acute	chronic	Arsenic	340	100(T)
Qualifiers:		D.O. (mg/L)	---	5.0	Beryllium	---	---
Other:		pH	6.5 - 9.0	---	Cadmium	TVS	TVS
Temporary Modification(s):		chlorophyll a (mg/m²)	---	150	Chromium III	TVS	TVS
Iron(chronic) = current condition		E. Coli (per 100 mL)	---	126	Chromium III	---	100(T)
Expiration Date of 12/31/2018		Inorganic (mg/L)			Chromium VI	TVS	TVS
Selenium(chronic) = current conditions			acute	chronic	Copper	TVS	TVS
Expiration Date of 12/31/2018		Ammonia	TVS	TVS	Iron	57/1 - 2/29	---
*Iron(chronic), 7/1-2/29 = 1,000(T) ug/L. See section 33.6(4) for iron assessment locations.		Boron	---	0.75	Iron	3/1 - 46/30	---
*Iron(chronic), 3/1-6/30 = 1,000(T) ug/L on Dry Creek, Watering Trough Gulch, and 005 Gulch. See section 33.6(4) for iron assessment locations.		Chloride	---	---	Iron	3/1 - 6/30	---
*Iron(chronic), 3/1-6/30 = 2750(T) ug/L on Hubberson Gulch. See section 33.6(4) for iron assessment locations.		Chlorine	0.019	0.011	Lead	TVS	TVS
*Iron(chronic), 3/1-6/30 = 2750(T) ug/L on Hubberson Gulch. See section 33.6(4) for iron assessment locations.		Cyanide	0.005	---	Manganese	TVS	TVS
*Selenium(chronic) = 9.5 mg/kg dry weight whole body. See section 33.6(4) for selenium assessment locations and fish-tissue assessment method.		Nitrate	100	---	Mercury	---	0.01(t)
		Nitrite	---	0.05	Molybdenum	---	160(T)
		Phosphorus	---	0.17	Nickel	TVS	TVS
		Sulfate	---	---	Selenium	TVS	TVSTissue*
		Sulfide	---	0.002	Silver	TVS	TVS
					Uranium	---	---
					Zinc	TVS	TVS

13e. Mainstem of Sage Creek, including all tributaries and wetlands, from its sources to the confluence with the Yampa River.							
COUCYA13E	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture		DM	MWAT		acute	chronic
UP	Aq Life Warm 2	Temperature °C	WS-II	WS-II	Aluminum	---	---
	Recreation N		acute	chronic	Arsenic	340	100(T)
Qualifiers:		D.O. (mg/L)	---	5.0	Beryllium	---	---
Other:		pH	6.5 - 9.0	---	Cadmium	TVS	TVS
Temporary Modification(s):		chlorophyll a (mg/m²)	---	---	Chromium III	TVS	TVS
Selenium(chronic) = current conditions		E. Coli (per 100 mL)	---	630	Chromium III	---	100(T)
Expiration Date of 12/31/2018		Inorganic (mg/L)			Chromium VI	TVS	TVS
*Iron(chronic) = 1,000(T) ug/L on Lower Sage Creek. See section 33.6(4) for iron assessment locations.			acute	chronic	Copper	TVS	TVS
Iron(chronic) = 1,250(T) ug/L on Upper Sage Creek. Break between Upper and Lower Sage Creek is the west border of Section 18, T5N, R87W. See section 33.6(4) for iron assessment locations.		Ammonia	TVS	TVS	Iron	---	1000(T)
Selenium(chronic) = 9.5 mg/kg dry weight whole body. See section 33.6(4) for selenium assessment locations and fish-tissue assessment method.		Boron	---	0.75	Iron	---	1250(T)
		Chloride	---	---	Lead	TVS	TVS
		Chlorine	0.019	0.011	Manganese	TVS	TVS
		Cyanide	0.005	---	Mercury	---	0.01(t)
		Nitrate	100	---	Molybdenum	---	160(T)
		Nitrite	---	0.05	Nickel	TVS	TVS
		Phosphorus	---	0.17	Selenium	TVS	TVSTissue*
		Sulfate	---	---	Silver	TVS	TVS
		Sulfide	---	0.002	Uranium	---	---
					Zinc	TVS	TVS

13e. Mainstem of Sage Creek, including all tributaries and wetlands, from its sources to the confluence with the Yampa River.							
COUCYA13E		Classifications		Physical and Biological		Metals (ug/L)	
Designation	Agriculture		DM	MWAT		acute	chronic
UP	Aq Life Warm 2	Temperature °C	WS-II	WS-II	Aluminum	---	---
	Recreation N		acute	chronic	Arsenic	340	100(T)
Qualifiers:		D.O. (mg/L)	---	5.0	Beryllium	---	---
Other:		pH	6.5 - 9.0	---	Cadmium	TVS	TVS
Temporary Modification(s):		chlorophyll a (mg/m²)	---	---	Chromium III	TVS	TVS
Selenium(chronic) = current conditions		E. Coli (per 100 mL)	---	630	Chromium III	---	100(T)
Expiration Date of 12/31/2018		Inorganic (mg/L)			Chromium VI	TVS	TVS
<p>*Iron(chronic) = 1,000(T) ug/L on Lower Sage Creek. See section 33.6(4) for iron assessment locations.</p> <p>*Iron(chronic) = 1,250(T) ug/L on Upper Sage Creek. Break between Upper and Lower Sage Creek is the west border of Section 18, T5N, R87W. See section 33.6(4) for iron assessment locations.</p> <p><u>*Selenium(chronic) = 9.5 mg/kg dry weight whole body. See section 33.6(4) for selenium assessment locations and fish-tissue assessment method.</u></p>			acute	chronic	Copper	TVS	TVS
		Ammonia	TVS	TVS	Iron	---	1000(T)*
		Boron	---	0.75	Iron	---	1250(T)*
		Chloride	---	---	Lead	TVS	TVS
		Chlorine	0.019	0.011	Manganese	TVS	TVS
		Cyanide	0.005	---	Mercury	---	0.01(t)
		Nitrate	100	---	Molybdenum	---	160(T)
		Nitrite	---	0.05	Nickel	TVS	TVS
		Phosphorus	---	0.17	Selenium	TVS	TVS Tissue*
		Sulfate	---	---	Silver	TVS	TVS
		Sulfide	---	0.002	Uranium	---	---
					Zinc	TVS	TVS

REGULATION #33 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

Yampa River Basin

13f. Mainstem of Trout Creek, including all tributaries and wetlands, from a point immediately below its confluence with Fish Creek to the confluence with the Yampa River.						
COUCYA13F	Classifications	Physical and Biological			Metals (ug/L)	
Designation	Agriculture	DM	MWAT		acute	chronic
Reviewable	Aq Life Cold 1	Temperature °C	CS-II	CS-II	Aluminum	---
	Recreation E	acute	chronic		Arsenic	340
	Water Supply	D.O. (mg/L)	---	6.0	Beryllium	---
Qualifiers:		D.O. (spawning)	---	7.0	Cadmium	TVS(tr)
Other:		pH	6.5 - 9.0	---	Chromium III	50(T)
Temporary Modification(s):		chlorophyll a (mg/m ²)	---	150	Chromium VI	TVS
Arsenic(chronic) = hybrid		E. Coli (per 100 mL)	---	126	Copper	TVS
Expiration Date of 12/31/2021		Inorganic (mg/L)			Iron	---
		acute	chronic		Iron	---
		Ammonia	TVS	TVS	Lead	TVS
		Boron	---	0.75	Manganese	TVS
		Chloride	---	250	Manganese	---
		Chlorine	0.019	0.011	Mercury	---
		Cyanide	0.005	---	Molybdenum	---
		Nitrate	10	---	Nickel	TVS
		Nitrite	---	0.05	Selenium	TVS
		Phosphorus	---	0.11	Silver	TVS
		Sulfate	---	WS	Uranium	---
		Sulfide	---	0.002	Zinc	TVS

13g. All tributaries to Fish Creek from the confluence with Cow Camp Creek to the confluence with Trout Creek,						
COUCYA13G	Classifications	Physical and Biological			Metals (ug/L)	
Designation	Agriculture	DM	MWAT		acute	chronic
Reviewable	Aq Life Warm 1	Temperature °C	WS-II	WS-II	Aluminum	---
	Recreation E	acute	chronic		Arsenic	340
Qualifiers:		D.O. (mg/L)	---	5.0	Beryllium	---
Other:		pH	6.5 - 9.0	---	Cadmium	TVS(tr)
Temporary Modification(s):		chlorophyll a (mg/m ²)	---	150	Chromium III	TVS
Selenium(chronic) = current conditions		E. Coli (per 100 mL)	---	126	Chromium VI	TVS
Expiration Date of 12/31/2018		Inorganic (mg/L)			Copper	TVS
*Selenium(chronic) = 9.5 mg/kg dry weight whole body. See section 33.6(4) for selenium assessment locations and fish-tissue assessment method.		acute	chronic		Iron	---
		Ammonia	TVS	TVS	Lead	TVS
		Boron	---	0.75	Manganese	TVS
		Chloride	---	---	Mercury	---
		Chlorine	0.019	0.011	Molybdenum	---
		Cyanide	0.005	---	Nickel	TVS
		Nitrate	100	---	Selenium	TVS
		Nitrite	---	0.05	Silver	TVS
		Phosphorus	---	0.17	Uranium	---
		Sulfate	---	---	Zinc	TVS
		Sulfide	---	0.002		

REGULATION #33 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

Yampa River Basin

13h. Mainstem of Dry Creek, including all tributaries and wetlands, from the confluence with Temple Gulch to the confluence with the Yampa River near Hayden.					
COUCYA13H	Classifications	Physical and Biological		Metals (ug/L)	
Designation	Agriculture	DM	MWAT	acute	chronic
UP	Aq Life Warm 2	WS-II	WS-II	Aluminum	---
	Recreation E	acute	chronic	Arsenic	340
Qualifiers: Other: <u>*Iron(chronic) = See section 33.6(4) for iron assessment locations.</u> <u>*Selenium(acute) = See section 33.6(4) for selenium site-specific standards and assessment locations.</u> <u>*Selenium(chronic) = See section 33.6(4) for selenium site-specific standards and assessment locations.</u>	D.O. (mg/L)	---	5.0	Beryllium	---
	pH	6.5 - 9.0	---	Cadmium	TVS(T)
	chlorophyll a (mg/m ²)	---	150	Chromium III	TVS
	E. Coli (per 100 mL)	---	126	Chromium VI	TVS
	Inorganic (mg/L)			Copper	TVS
		acute	chronic	Iron	---
	Ammonia	TVS	TVS	Lead	TVS
	Boron	---	0.75	Manganese	TVS
	Chloride	---	---	Mercury	---
	Chlorine	0.019	0.011	Molybdenum	---
	Cyanide	0.005	---	Nickel	TVS
	Nitrate	100	---	Selenium	<u>TVSvaries*</u>
	Nitrite	---	0.05	Silver	TVS
	Phosphorus	---	0.17	Uranium	---
	Sulfate	---	---	Zinc	TVS
	Sulfide	---	0.002		
13i. Mainstem of Grassy Creek, including all tributaries and wetlands, from the source to immediately above the confluence with Scotchmans Gulch.					
COUCYA13I	Classifications	Physical and Biological		Metals (ug/L)	
Designation	Agriculture	DM	MWAT	acute	chronic
UP	Aq Life Warm 2	WS-II	WS-II	Aluminum	---
	Recreation N	acute	chronic	Arsenic	340
Qualifiers: Other: <u>Temporary Modification(s):</u> <u>Iron(chronic) = current conditions*</u> <u>Expiration Date of 12/31/2018</u> <u>Selenium(chronic) = current conditions</u> <u>Expiration Date of 12/31/2018</u> <u>*Iron(chronic), 7/1-2/29 = 1000(T) ug/L. See section 33.6(4) for iron assessment locations.</u> <u>*Iron(chronic), 3/1-6/30 = 1410(T) ug/L on Grassy Creek. See section 33.6(4) for iron assessment locations.</u> <u>*Iron(chronic), 3/1-6/30 = 2000(T) ug/L on Little Grassy Creek. See section 33.6(4) for iron assessment locations.</u> <u>*Selenium(chronic) = 9.5 mg/kg dry weight whole body. See section 33.6(4) for selenium assessment locations and fish-tissue assessment method.</u> <u>*TempMod: Iron = for Grassy Creek.</u>	D.O. (mg/L)	---	5.0	Beryllium	---
	pH	6.5 - 9.0	---	Cadmium	TVS
	chlorophyll a (mg/m ²)	---	---	Chromium III	TVS
	E. Coli (per 100 mL)	---	630	Chromium VI	TVS
	Inorganic (mg/L)			Copper	TVS
		acute	chronic	Iron	<u>7/1-2/29</u>
	Ammonia	TVS	TVS	<u>Iron</u>	<u>3/1-6/30</u>
	Boron	---	0.75	<u>Iron</u>	<u>3/1-6/30</u>
	Chloride	---	---	Lead	TVS
	Chlorine	0.019	0.011	Manganese	TVS
	Cyanide	0.005	---	Mercury	---
	Nitrate	100	---	Molybdenum	---
	Nitrite	---	0.05	Nickel	TVS
	Phosphorus	---	0.17	Selenium	TVS
	Sulfate	---	---	Silver	TVS
	Sulfide	---	0.002	Uranium	---
				Zinc	TVS

REGULATION #33 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

Yampa River Basin

13j. Mainstem of Grassy Creek, including all tributaries and wetlands, from the confluence with Scotchmans Gulch to the confluence with the Yampa River near Hayden.						
COUCYA13J	Classifications	Physical and Biological			Metals (ug/L)	
Designation	Agriculture		DM	MWAT	acute	chronic
UP	Aq Life Warm 2	Temperature °C	WS-II	WS-II	Aluminum	---
	Recreation N		acute	chronic	Arsenic	340
Qualifiers:		D.O. (mg/L)	---	5.0	Beryllium	---
Other:		pH	6.5 - 9.0	---	Cadmium	TVS
		chlorophyll a (mg/m ²)	---	---	Chromium III	TVS
		E. Coli (per 100 mL)	---	630	Chromium VI	TVS
		Inorganic (mg/L)			Copper	TVS
			acute	chronic	Iron	---
		Ammonia	TVS	TVS	Lead	TVS
		Boron	---	0.75	Manganese	TVS
		Chloride	---	---	Mercury	---
		Chlorine	0.019	0.011	Molybdenum	---
		Cyanide	0.005	---	Nickel	TVS
		Nitrate	100	---	Selenium	3/1-6/30 TVSvaries*
		Nitrite	---	0.05	Silver	TVS
		Phosphorus	---	0.17	Uranium	---
		Sulfate	---	---	Zinc	TVS
		Sulfide	---	0.002		

*Selenium(acute) = See section 33.6(4) for ~~selenium~~ site-specific standards and assessment locations.

*Selenium(chronic) = See section 33.6(4) for ~~selenium~~ site-specific standards and assessment locations.

EXHIBIT 7
TRI-STATE GENERATION AND TRANSMISSION ASSOCIATION, INC.

DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT

Water Quality Control Commission

REGULATION NO. 37 - CLASSIFICATIONS AND NUMERIC STANDARDS FOR LOWER COLORADO RIVER BASIN

5 CCR 1002-37

37.6 TABLES

...

(4) Assessment Criteria

...

(c) Lower Colorado Segment 4e Iron Standards and Assessment

Unnamed Tributary, Iron (chronic) = 3500 (T) µg/L, assessment location as follows:

- UT-2: Unnamed Tributary, immediately downstream of the Tri-State Rifle Station discharge (39.519572, -107.729424)

Dry Creek and remaining tributaries and wetlands, Iron (chronic) = 5900 (T) µg/L, assessment location as follows:

- DC-2: Dry Creek, downstream of dry tributary channel entering from the east from the Garfield County Airport (39.523944, -107.73496)

....

37.39 STATEMENT OF BASIS, SPECIFIC STATUTORY AUTHORITY AND PURPOSE; DECEMBER 11, 2017 RULEMAKING; FINAL ACTION JANUARY 8, 2018; EFFECTIVE DATE JUNE 30, 2018

The provisions of C.R.S. 25-8-202(1)(a), (b) and (2); 25-8-203; 25-8-204; and 25-8-402; provide the specific statutory authority for adoption of these regulatory amendments. The commission also adopted in compliance with 24-4-103(4) C.R.S. the following statement of basis and purpose.

BASIS AND PURPOSE

Lower Colorado River Segment 4e: temporary modifications of the iron (expire 12/31/2018) and copper (expire 12/31/2019) standards on Lower Colorado Segment 4e were reviewed. The Commission deleted the iron temporary modification and adopted site-specific iron standards based on the evidence submitted

by Tri-State Generation and Transmission Association, Inc. Tri-State also presented evidence that it is making progress on the plan for eliminating the need for the copper temporary modification.

IRON

Tri-State submitted sufficient data and justification to support two ambient-based site-specific total recoverable iron standards for Segment 4e: one based on data from the Unnamed Tributary (Site UT-2) located immediately below Tri-State Rifle Station's discharge, and one based on data from a downstream site on Dry Creek (Site DC-2), the furthest downstream sample site. Data were included from samples taken at times when no discharge from the Rifle Station was occurring to represent the natural iron concentrations. These data indicated that natural sources of ambient iron present within the Dry Creek watershed are driving the instream concentrations of total recoverable iron detected at sample locations downstream of the Tri-State Rifle Station. The Commission adopted a standard of 3500 µg/L for the Unnamed Tributary, and a standard of 5900 µg/L for the remaining parts of the segment, as a conservative approach based on background conditions. Evidence submitted by Tri-State demonstrated that ambient iron concentrations were not inhibiting the attainment of the limited aquatic use. Therefore, ambient iron concentrations provide a reasonable basis for site-specific standards, which are expected to protect the aquatic community.

The Commission specified assessment locations for the two iron standards at section 37.6(4)(c) to ensure that future assessment is consistent with the methods used to derive the standards.

The Commission removed the temporary modification for iron of "current condition" that had previously been in place for Lower Colorado Segment 4e.

COPPER

The Commission considered the temporary modification for copper for Lower Colorado Segment 4e. Tri-State continues to make progress on the temporary modification of the copper standard, and plans to propose standards at the June 2019 basin rulemaking.

**COLORADO DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT
WATER QUALITY CONTROL COMMISSION**

5 CCR 1002-37

**REGULATION NO. 37
CLASSIFICATIONS AND NUMERIC STANDARDS
FOR
LOWER COLORADO RIVER BASIN**

**APPENDIX 37-1
Stream Classifications and Water Quality Standards Tables**

Effective 06/30/~~2017~~2018

REGULATION #37 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

Lower Colorado River

4e. Mainstem of Dry Creek including all tributaries and wetlands from the source to immediately above the Last Chance Ditch.						
COLCLC04E	Classifications	Physical and Biological			Metals (ug/L)	
Designation	Agriculture		DM	MWAT	acute	chronic
UP	Aq Life Cold 2	Temperature °C	CS-II	CS-II	Aluminum	---
	Recreation N		acute	chronic	Arsenic	340
Qualifiers:		D.O. (mg/L)	---	5.0	Beryllium	---
Other:		pH	6.5 - 9.0	---	Cadmium	TVS
Temporary Modification(s):		chlorophyll a (mg/m²)	---	---	Chromium III	TVS
Copper(ac/ch) = current conditions		E. Coli (per 100 mL)	---	630	Chromium III	---
Expiration Date of 12/31/2019		Inorganic (mg/L)			Chromium VI	TVS
Iron(chronic) = current conditions			acute	chronic	Copper	TVS
Expiration Date of 12/31/2018		Ammonia	TVS	TVS	Iron	---
*Iron(chronic) = See section 37.6(4) for iron assessment locations.		Boron	---	0.75	Iron	---
*Iron(chronic) = 3500 (T) ug/L on Unnamed Tributary. See section 37.6(4) for iron assessment locations.		Chloride	---	---	Lead	TVS
*Phosphorus(chronic) = applies only above the facilities listed at 37.5(4).		Chlorine	0.019	0.011	Manganese	TVS
		Cyanide	0.005	---	Mercury	---
		Nitrate	100	---	Molybdenum	---
		Nitrite	---	0.05	Nickel	TVS
		Phosphorus	---	0.11*	Selenium	TVS
		Sulfate	---	---	Silver	TVS
		Sulfide	---	0.002	Uranium	---
					Zinc	TVS

Notice of Proposed Rulemaking

Tracking number

2017-00355

Department

1000 - Department of Public Health and Environment

Agency

1002 - Water Quality Control Commission (1002 Series)

CCR number

5 CCR 1002-38

Rule title

REGULATION NO. 38 - CLASSIFICATIONS AND NUMERIC STANDARDS SOUTH PLATTE RIVER BASIN LARAMIE RIVER BASIN REPUBLICAN RIVER BASIN SMOKY HILL RIVER BASIN

Rulemaking Hearing**Date**

12/11/2017

Time

12:00 PM

Location

Sabin Conference Room, CDPHE, 4300 Cherry Creek Drive South, Denver, CO 80246

Subjects and issues involved

new temporary modifications and revisions to current temporary modifications of water quality standards expiring on or before December 31, 2019, and new site specific standards that allow for the deletion of current temporary modifications expiring on or before December 31, 2019

Statutory authority

sections 25-8-202(1)(a), (b), and (2); 25-8-203; 25-8-204; and 25-8-402, C.R.S.

Contact information**Name**

Blake Beyea

Title

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COLORADO

Water Quality Control Commission

Department of Public Health & Environment

NOTICE OF PUBLIC RULEMAKING HEARING BEFORE THE COLORADO WATER QUALITY CONTROL COMMISSION

SUBJECT:

For consideration of the adoption of new temporary modifications and revisions to current temporary modifications of water quality standards expiring on or before December 31, 2019, and new site specific standards that allow for the deletion of current temporary modifications expiring on or before December 31, 2019, for multiple segments in the Classifications and Numeric Standards for:

- Arkansas River Basin, Regulation #32 (5 CCR 1002-32);
- Upper Colorado River Basin and North Platte River, Regulation #33 (5 CCR 1002-33);
- Rio Grande Basin, Regulation #36 (5 CCR 1002-36);
- Lower Colorado River Basin, Regulation #37 (5 CCR 1002-37); and
- South Platte River Basin, Laramie River Basin, Republican River Basin, Smoky Hill River Basin, Regulation #38 (5 CCR 1002-38).

Proposed revisions and proposed Statements of Basis, Specific Statutory Authority and Purpose have been submitted by the following:

- Exhibit 1 - Regulation #32, Water Quality Control Division (division);
- Exhibit 2 - Regulation #33, division;
- Exhibit 3 - Regulation #36, division;
- Exhibit 4 - Regulation #37, division;
- Exhibit 5 - Regulation #38, division;
- Exhibit 6 - Regulation #33, Peabody Sage Creek Mining Company and Seneca Coal Company (Peabody_Seneca); and
- Exhibit 7 - Regulation #37, Tri-State Generation and Transmission Association, Inc. (Tri-State).

In these attachments, proposed new language is shown with double-underlining and proposed deletions are shown with ~~strikeouts~~. Any alternative proposals related to proposed new temporary modifications or current temporary modifications identified in Exhibits 1 through 7, with expiration dates on or before December 31, 2019, will also be considered.

SCHEDULE OF IMPORTANT DATES

Proponent's prehearing statement due	09/27/2017 5 pm	Additional information below.
Party status requests due	10/04/2017 5 pm	Additional information below.
Responsive prehearing statements due	10/27/2017 5 pm	Additional information below.

Rebuttal statements due	11/22/2017 5 pm	Additional information below.
Last date for submittal of motions	11/27/2017 5 pm	Additional information below.
Notify commission office if participating in prehearing conference by phone	11/27/2017 by noon	Send email to cdphe.wqcc@state.co.us with participant(s) name(s)
Prehearing Conference (mandatory for parties)	11/28/2017 2:00 pm	Florence Sabin Conference Room Department of Public Health and Environment 4300 Cherry Creek Drive South Denver, CO 80246 Call-in: 1-857-216-6700, Code: 425132
Rulemaking Hearing	12/11/2017 12:00 pm	Florence Sabin Conference Room Department of Public Health and Environment 4300 Cherry Creek Drive South Denver, CO 80246

HEARING SUBMITTALS:

For this hearing, the commission will receive all submittals electronically. Submittals must be provided as PDF documents, except for raw data exhibits which may be provided as Excel workbooks. Submittals may be emailed to cdphe.wqcc@state.co.us, provided via an FTP site, CD or flash drive, or otherwise conveyed to the commission office so as to be received no later than the specified date.

PARTY STATUS:

Party status requests must be in writing and must provide:

- the organization's name,
- one contact person,
- a mailing address,
- a phone number, and
- email addresses of all individuals associated with the party who wish to be notified when new submittals are available on the commission's website for review.

In accordance with section 25-8-104(2)(d), C.R.S., any person who believes that the actions proposed in this notice have the potential to cause material injury to his or her water rights is requested to so indicate, along with an explanation of the alleged harm, in their party status request.

PREHEARING AND REBUTTAL STATEMENTS:

Each party must submit a prehearing statement: parties that have proposed revisions attached as exhibits to the notice must submit a proponent's prehearing statement. All other parties must submit a responsive prehearing statement. Proponents may also submit responsive prehearing statements when there are multiple proposals attached to the notice.

Each prehearing and rebuttal statement must be provided as a separate PDF document from any accompanying written testimony or exhibits.

Following the rebuttal statement due date, no other written materials will be accepted from parties except for good cause shown.

Oral testimony at the hearing should primarily summarize written material previously submitted. The hearing will emphasize commission questioning of parties and other interested persons about their written prehearing submittals. Introduction of written material at the hearing by those with party status will not be permitted unless authorized by the commission.

PREHEARING CONFERENCE:

Attendance at the prehearing conference is mandatory for all persons requesting party status. Parties needing to participate by telephone are encouraged to notify the commission office prior to the prehearing conference. Remote participants can call 1-857-216-6700 and enter the conference code 425132.

Following the cut-off date for motions, no motions will be accepted, except for good cause shown.

PUBLIC PARTICIPATION ENCOURAGED:

The commission encourages input from non-parties, either orally at the hearing or in writing prior to the hearing. Written submissions should be emailed to cdphe.wgccc@state.co.us by November 29, 2017.

SPECIFIC STATUTORY AUTHORITY:

The provisions of sections 25-8-202(1)(a), (b), and (2); 25-8-203; 25-8-204; and 25-8-402, C.R.S., provide the specific statutory authority for consideration of the regulatory amendments proposed by this notice. Should the commission adopt the regulatory language as proposed in this notice or alternative amendments, it will also adopt, in compliance with section 24-4-103(4) C.R.S., an appropriate Statement of Basis, Specific Statutory Authority, and Purpose.

Dated this 8th day of August, 2017 at Denver, Colorado.

WATER QUALITY CONTROL COMMISSION



Digitally signed by Trisha Oeth
DN: cn=Trisha Oeth, o, ou=Water
Quality Control Commission,
email=trisha.oeth@state.co.us, c=US
Date: 2017.08.08 08:32:03 -06'00'

Trisha Oeth, Administrator

EXHIBIT 1
WATER QUALITY CONTROL DIVISION

COLORADO DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT
WATER QUALITY CONTROL COMMISSION

5 CCR 1002-32

REGULATION NO. 32
CLASSIFICATIONS AND NUMERIC STANDARDS
FOR
ARKANSAS RIVER BASIN

....

32.60 STATEMENT OF BASIS, SPECIFIC STATUTORY AUTHORITY AND PURPOSE; DECEMBER 11, 2017 RULEMAKING; FINAL ACTION JANUARY 8, 2018; EFFECTIVE DATE JUNE 30, 2018

The provisions of C.R.S. 25-8-202(1)(a), (b) and (2); 25-8-203; 25-8-204; and 25-8-402; provide the specific statutory authority for adoption of these regulatory amendments. The commission also adopted in compliance with 24-4-103(4) C.R.S. the following statement of basis and purpose.

BASIS AND PURPOSE

Pursuant to the requirements in the Basic Standards (at 31.7(3)), the commission reviewed the status of temporary modifications scheduled to expire before December 31, 2019 to determine whether the temporary modification should be modified, eliminated, or extended.

No action: The commission took no action on the temporary modifications on the following segments:

Upper Arkansas Segment 8b: temporary modifications of the temperature, cadmium, and zinc standards. The commission took no action on the temporary modification of the temperature standard. This temporary modification was deleted from the table because it expires 12/31/2017. For the temporary modifications of the cadmium and zinc standards (expire 12/31/2018), the commission took no action. Resurrection Mining Company presented evidence that they are making progress on the plan for eliminating the need for the temporary modifications. The commission made no change to the expiration date as the original time allotment was deemed adequate to resolve the uncertainty.

Middle Arkansas Segment 4b: temporary modifications of the ammonia, arsenic, boron, cadmium, chlorine, chlorophyll a, chromium III, chromium VI, copper, cyanide, D.O., E. coli, iron, lead, manganese, mercury, molybdenum, nickel, nitrate, nitrite, pH, phosphorus, selenium, silver, sulfide, and zinc standards (expire 12/31/2018). EVRAZ presented evidence that they are making progress on the plan for eliminating the need for the temporary modifications. The commission made no change to the expiration date as the original time allotment was deemed adequate to resolve the uncertainty.

Middle Arkansas Segment 6b: temporary modification of the temperature standard (expires 12/31/2018). Public Service Company of Colorado presented evidence that they are making

progress on the plan for eliminating the need for the temporary modifications. The commission made no change to the expiration date as the original time allotment was deemed adequate to resolve the uncertainty.

Lower Arkansas Segment 1a: temporary modifications of the selenium and sulfate standards (expire 12/31/2018). The City of Pueblo is making progress on its plans to seek a discharger specific variance (DSV). The commission made no change to the expiration date as the original time allotment was deemed adequate to resolve the uncertainty.

**COLORADO DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT
WATER QUALITY CONTROL COMMISSION**

5 CCR 1002-32

**REGULATION NO. 32
CLASSIFICATIONS AND NUMERIC STANDARDS
FOR
ARKANSAS RIVER BASIN**

**APPENDIX 32-1
Stream Classifications and Water Quality Standards Tables**

Effective ~~06/30/2017~~ 06/30/2018

REGULATION #32 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

Upper Arkansas River Basin

8b. Mainstem of Iowa Gulch from a point immediately below the historic upper ASARCO water supply intake at 39.224327, -106.223432 to a point immediately below the headgate of the Paddock #1 Ditch (Iowa Ditch).						
COARUA08B	Classifications	Physical and Biological			Metals (ug/L)	
Designation	Agriculture	DM		MWAT	acute	chronic
UP	Aq Life Cold 2	Temperature °C	CS-II	CS-II	Aluminum	---
	Recreation E	acute	chronic		Arsenic	340
Qualifiers:		D.O. (mg/L)	---	6.0	Beryllium	---
Other:		D.O. (spawning)	---	7.0	Cadmium	SSE*
Temporary Modification(s):		pH	6.5 - 9.0	---	Chromium III	TVS
Cadmium(chronic) = 1.6		chlorophyll a (mg/m2)	---	150	Chromium III	---
Zinc(acute) = 754		E. Coli (per 100 mL)	---	126	Chromium VI	TVS
Zinc(chronic) = 505		Inorganic (mg/L)			Copper	TVS
Expiration Date of 12/31/2018					Iron	---
temperature(DM) = No-acute-standard			acute	chronic	Lead	TVS
temperature(MWAT) = 14			TVS	TVS	Manganese	TVS
Expiration Date of 12/31/2017		Ammonia	---	0.75	Mercury	---
		Boron	---	---	Molybdenum	---
		Chloride	---	---	Nickel	TVS
		Chlorine	0.019	0.011	Selenium	TVS
		Cyanide	---	---	Silver	TVS
		Nitrate	100	---	Uranium	---
		Nitrite	---	0.05	Zinc	TVS
		Phosphorus	---	0.11		
		Sulfate	---	---		
		Sulfide	---	0.002		

All metals are dissolved unless otherwise noted.
T = total recoverable
t = total
tr = trout

D.O. = dissolved oxygen
DM = daily maximum
MWAT = maximum weekly average temperature
See 32.6 for details on TVS, TVS(tr), WS, temperature standards.

REGULATION #32 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

Middle Arkansas River Basin

4b. Mainstem of Rock Creek, Salt Creek and Peck Creek from their sources to the confluence with the Arkansas River.						
COARMA04B Classifications		Physical and Biological			Metals (ug/L)	
Designation			DM	MWAT	acute	chronic
UP	Agriculture					
	Aq Life Warm 1	Temperature °C	WS-II	WS-II	Aluminum	---
	Recreation E		acute	chronic	Arsenic	340 7.6(T)
Qualifiers:		D.O. (mg/L)	---	5.0	Beryllium	---
Other:		pH	6.5 - 9.0	---	Cadmium	TVS TVS
Temporary Modification(s):		chlorophyll a (mg/m2)	---	150	Chromium III	TVS TVS
Ammonia(ac/ch) = current conditions		E. Coli (per 100 mL)	---	126	Chromium III	---
Arsenic(ac/ch) = current conditions		Inorganic (mg/L)			Chromium VI	TVS TVS
Boron(chronic) = current conditions			acute	chronic	Copper	TVS TVS
Cadmium(ac/ch) = current conditions		Ammonia	TVS	TVS	Iron	---
Chlorine(ac/ch) = current conditions		Boron	---	0.75	Lead	TVS TVS
chlorophyll a (mg/m2)(chronic) = current conditions		Chloride	---	---	Manganese	TVS TVS
Chromium III(chronic) = current conditions		Chlorine	0.019	0.011	Mercury	---
Chromium III(ac/ch) = current conditions		Cyanide	0.005	---	Molybdenum	---
Chromium VI(ac/ch) = current conditions		Nitrate	100	---	Nickel	TVS TVS
Copper(ac/ch) = current conditions		Nitrite	---	0.05	Selenium	TVS TVS
Cyanide(acute) = current conditions		Phosphorus	---	0.17	Silver	TVS TVS
D.O. (mg/L)(chronic) = current conditions		Sulfate	---	---	Uranium	---
E. Coli (per 100 mL)(chronic) = current conditions		Sulfide	---	0.002	Zinc	TVS TVS
Iron(chronic) = current conditions						
Lead(ac/ch) = current conditions						
Manganese(ac/ch) = current conditions						
Mercury(chronic) = current conditions						
Molybdenum(chronic) = current conditions						
Nickel(ac/ch) = current conditions						
Nitrate(acute) = current conditions						
Nitrite(chronic) = current conditions						
pH(acute) = current conditions						
Phosphorus(chronic) = current conditions						
Selenium(ac/ch) = current conditions						
Silver(ac/ch) = current conditions						
Sulfide(chronic) = current conditions						
Zinc(ac/ch) = current conditions						
Expiration Date of 12/31/2018						

All metals are dissolved unless otherwise noted.
T = total recoverable
t = total
tr = trout

D.O. = dissolved oxygen
DM = daily maximum
MWAT = maximum weekly average temperature
See 32.6 for details on TVS, TVS(tr), WS, temperature standards.

REGULATION #32 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

Middle Arkansas River Basin

6b. Mainstem of the Saint Charles River from the confluence with Edson Arroyo to the confluence with the Arkansas River.						
OARMA06B	Classifications	Physical and Biological			Metals (ug/L)	
Designation		DM	MWAT		acute	chronic
UP	Agriculture					
	Aq Life Warm 2	Temperature °C	WS-II	WS-II	Aluminum	---
	Recreation E		acute	chronic	Arsenic	340
	Water Supply	D.O. (mg/L)	---	5.0	Beryllium	0.02-10(T) ^A
Qualifiers:		pH	6.5 - 9.0	---	Cadmium	TVS
Other:		chlorophyll a (mg/m2)	---	---	Chromium III	50(T)
Temporary Modification(s):		E. Coli (per 100 mL)	---	126	Chromium VI	TVS
temperature(DM/MWAT) = "current conditions"		Inorganic (mg/L)			Copper	TVS
Expiration Date of 12/31/2018			acute	chronic	Iron	---
*Selenium(acute) = See selenium assessment location at 32.6(4).		Ammonia	TVS	TVS	Iron	1000(T)
*Selenium(chronic) = See selenium assessment location at 32.6(4).		Boron	---	0.75	Lead	TVS
		Chloride	---	250	Manganese	TVS
		Chlorine	---	0.011	Manganese	---
		Cyanide	0.005	---	Mercury	0.01(t)
		Nitrate	10	---	Molybdenum	---
		Nitrite	---	0.05	Nickel	TVS
		Phosphorus	---	---	Selenium	173*
		Sulfate	---	WS	Silver	TVS
		Sulfide	---	0.002	Uranium	---
					Zinc	TVS

All metals are dissolved unless otherwise noted.
T = total recoverable
t = total
tr = trout

D.O. = dissolved oxygen
DM = daily maximum
MWAT = maximum weekly average temperature
See 32.6 for details on TVS, TVS(tr), WS, temperature standards.

REGULATION #32 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

Lower Arkansas River Basin

1a. Mainstem of the Arkansas River from a point immediately above the confluence with Fountain Creek to immediately above the Colorado Canal headgate near Avondale.							
COARLA01A	Classifications	Physical and Biological				Metals (ug/L)	
Designation		DM		MWAT		acute	chronic
UP	Agriculture						
	Aq Life Warm 2	Temperature °C	1/1 - 11/30	WS-II	WS-II	Aluminum	---
	Recreation E	Temperature °C	12/1 - 12/31	21.5	20.7	Arsenic	340
	Water Supply					Beryllium	0.02-10(T) ^A
Qualifiers:		acute		chronic			
Other: Temporary Modification(s): Selenium(ac/ch) = existing quality Sulfate(chronic) = existing quality Expiration Date of 12/31/2018		D.O. (mg/L)	---	5.0		Cadmium	TVS
		pH	6.5 - 9.0	---		Chromium III	50(T)
		chlorophyll a (mg/m2)	---	---		Chromium VI	TVS
		E. Coli (per 100 mL)	---	126		Copper	TVS
		Inorganic (mg/L)				Iron	---
		acute		chronic		Iron	2800(T)
		Ammonia	TVS	TVS		Lead	TVS
		Boron	---	0.75		Manganese	TVS
		Chloride	---	250		Manganese	---
		Chlorine	0.019	0.011		Mercury	0.01(t)
		Cyanide	0.005	---		Molybdenum	---
		Nitrate	10	---		Nickel	160(T)
		Nitrite	---	0.5		Selenium	TVS
		Phosphorus	---	---		Silver	19.1
		Sulfate	---	329		Uranium	14.1
		Sulfide	---	0.002		Zinc	TVS
							TVS

All metals are dissolved unless otherwise noted.
T = total recoverable
t = total
tr = trout

D.O. = dissolved oxygen
DM = daily maximum
MWAT = maximum weekly average temperature
See 32.6 for details on TVS, TVS(tr), WS, temperature standards.

EXHIBIT 2
WATER QUALITY CONTROL DIVISION

COLORADO DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT
WATER QUALITY CONTROL COMMISSION

5 CCR 1002-33

REGULATION NO. 33
CLASSIFICATIONS AND NUMERIC STANDARDS
FOR
UPPER COLORADO RIVER BASIN AND
NORTH PLATTE RIVER (PLANNING REGION 12)

....

33.60 STATEMENT OF BASIS, SPECIFIC STATUTORY AUTHORITY AND PURPOSE; DECEMBER 11, 2017 RULEMAKING; FINAL ACTION JANUARY 8, 2018; EFFECTIVE DATE JUNE 30, 2018

The provisions of C.R.S. 25-8-202(1)(a), (b) and (2); 25-8-203; 25-8-204; and 25-8-402; provide the specific statutory authority for adoption of these regulatory amendments. The commission also adopted in compliance with 24-4-103(4) C.R.S. the following statement of basis and purpose.

BASIS AND PURPOSE

Pursuant to the requirements in the Basic Standards (at 31.7(3)), the commission reviewed the status of temporary modifications scheduled to expire before December 31, 2019 to determine whether the temporary modification should be modified, eliminated, or extended.

No action: The commission took no action on the temporary modifications on the following segments:

Blue River Segment 14: temporary modification of the molybdenum standard (expires 12/31/2017). The commission took no action on this temporary modification.

Yampa River Segments 13b, 13d, 13e, 13g, 13i: temporary modifications of the selenium (13b, 13d, 13e, 13g, 13i) and iron (13d, 13i) standards (expire 12/31/2018). Seneca-Peabody presented evidence that it is making progress on the plan for eliminating the need for the temporary modifications. The commission made no change to the expiration date of the temporary modifications on these segments as the original time allotment was deemed adequate to resolve the uncertainty.

New temporary modifications of the arsenic standard:

Consistent with the actions taken in 2013, the commission adopted a temporary modification of the arsenic standard on segments on the following list, with an expiration date of 12/31/2021. At the April 8, 2013 rulemaking, the commission heard testimony that concurred with the finding from a December 13, 2011 rulemaking hearing that an initial reasonable lower limit of treatment technology for arsenic is 3.0 µg/L, pending further investigation by the division, dischargers and stakeholders. The temporary modification was established by the commission to allow for a

temporarily less stringent application of the chronic arsenic standard in control requirements for both existing discharges and new or increased discharges.

Upper Colorado Segment 2
Blue River Segment 2a
Roaring Fork Segment 12
Yampa River Segment 2a

**COLORADO DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT
WATER QUALITY CONTROL COMMISSION**

5 CCR 1002-33

**REGULATION NO. 33
CLASSIFICATIONS AND NUMERIC STANDARDS
FOR
UPPER COLORADO RIVER BASIN AND
NORTH PLATTE RIVER (PLANNING REGION 12)**

**APPENDIX 33-1
Stream Classifications and Water Quality Standards Tables**

Effective 06/30/~~2017~~2018

REGULATION #33 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

Upper Colorado River Basin

2. Mainstem of the Colorado River, including all tributaries and wetlands within, or flowing into Arapahoe National Recreation Area.							
COUCUC02	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture		DM	MWAT	acute	chronic	
Reviewable	Aq Life Cold 1	Temperature °C	CS-I	CS-I	Aluminum	---	---
	Recreation E		acute	chronic	Arsenic	340	0.02(T)
	Water Supply	D.O. (mg/L)	---	6.0	Beryllium	---	---
Qualifiers:		D.O. (spawning)	---	7.0	Cadmium	TVS(tr)	TVS
Other:		pH	6.5 - 9.0	---	Chromium III	50(T)	TVS
<u>Temporary Modification(s):</u>		chlorophyll a (mg/m2)	---	150	Chromium VI	TVS	TVS
<u>Arsenic(chronic) = hybrid</u>		E. Coli (per 100 mL)	---	126	Copper	TVS	TVS
<u>Expiration Date of 12/31/2021</u>					Iron	---	WS
		Inorganic (mg/L)			Iron	---	1000(T)
			acute	chronic	Lead	TVS	TVS
		Ammonia	TVS	TVS	Manganese	TVS	TVS
		Boron	---	0.75	Manganese	---	WS
		Chloride	---	250	Mercury	---	0.01(t)
		Chlorine	0.019	0.011	Molybdenum	---	160(T)
		Cyanide	0.005	---	Nickel	TVS	TVS
		Nitrate	10	---	Selenium	TVS	TVS
		Nitrite	---	0.05	Silver	TVS	TVS(tr)
		Phosphorus	---	0.11	Uranium	---	---
		Sulfate	---	WS	Zinc	TVS	TVS
		Sulfide	---	0.002	Zinc	---	TVS(sc)

All metals are dissolved unless otherwise noted.
T = total recoverable
t = total
tr = trout
sc = sculpin

D.O. = dissolved oxygen
DM = daily maximum
MWAT = maximum weekly average temperature
See 33.6 for details on TVS, TVS(tr), TVS(sc), WS, temperature standards.

REGULATION #33 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

2a. Mainstem of the Blue River from the confluence with French Gulch to a point one half mile below Summit County Road 3.							
COUCBL02A		Classifications		Physical and Biological		Metals (ug/L)	
Designation	Agriculture		DM	MWAT		acute	chronic
UP	Aq Life Cold 1	Temperature °C	CS-I	CS-I	Aluminum	---	---
	Recreation E		acute	chronic	Arsenic	340	0.02(T)
	Water Supply	D.O. (mg/L)	---	6.0	Beryllium	---	---
Qualifiers:		D.O. (spawning)	---	7.0	Cadmium	4	4
Other:		pH	6.5 - 9.0	---	Chromium III	50(T)	TVS
Temporary Modification(s):		chlorophyll a (mg/m2)	---	150*	Chromium VI	TVS	TVS
Arsenic(chronic) = hybrid		E. Coli (per 100 mL)	---	126	Copper	TVS	TVS
Expiration Date of 12/31/2021					Iron	---	WS
		Inorganic (mg/L)			Iron	---	1000(T)
			acute	chronic	Lead	TVS	TVS
		Ammonia	TVS	TVS	Manganese	TVS	TVS
		Boron	---	0.75	Manganese	---	WS
		Chloride	---	250	Mercury	---	0.01(t)
		Chlorine	0.019	0.011	Molybdenum	---	160(T)
		Cyanide	0.005	---	Nickel	TVS	TVS
		Nitrate	10	---	Selenium	TVS	TVS
		Nitrite	---	0.05	Silver	TVS	TVS(tr)
		Phosphorus	---	0.11*	Uranium	---	---
		Sulfate	---	WS	Zinc	SSE*	SSE*
		Sulfide	---	0.002			

14. Mainstem of Tennile Creek, including all tributaries and wetlands from a point immediately above the confluence with West Tennile Creek to Dillon Reservoir, except for the specific listing in Segment 16.							
COUCBL14		Classifications		Physical and Biological		Metals (ug/L)	
Designation	Agriculture		DM	MWAT		acute	chronic
Reviewable	Aq Life Cold 1	Temperature °C	CS-I	CS-I	Aluminum	---	---
	Recreation E		acute	chronic	Arsenic	340	0.02(T)
	Water Supply	D.O. (mg/L)	---	6.0	Beryllium	---	---
Qualifiers:		D.O. (spawning)	---	7.0	Cadmium	TVS(tr)	TVS
Other:		pH	6.5 - 9.0	---	Chromium III	50(T)	TVS
Temporary Modification(s):		chlorophyll a (mg/m2)	---	150*	Chromium VI	TVS	TVS
Arsenic(chronic) = hybrid		E. Coli (per 100 mL)	---	126	Copper	TVS	TVS
Expiration Date of 12/31/2021					Iron	---	WS
Molybdenum(chronic) = current conditions		Inorganic (mg/L)			Iron	---	1000(T)
Expiration Date of 12/31/2017			acute	chronic	Lead	TVS	TVS
		Ammonia	TVS	TVS	Manganese	TVS	TVS
		Boron	---	0.75	Manganese	---	WS
		Chloride	---	250	Mercury	---	0.01(t)
		Chlorine	0.019	0.011	Molybdenum	---	210(T)
		Cyanide	0.005	---	Nickel	TVS	TVS
		Nitrate	10	---	Selenium	TVS	TVS
		Nitrite	---	0.05	Silver	TVS	TVS(tr)
		Phosphorus	---	0.11*	Uranium	---	---
		Sulfate	---	WS	Zinc	TVS	TVS
		Sulfide	---	0.002	Zinc	---	TVS(sc)

All metals are dissolved unless otherwise noted.
T = total recoverable
t = total
tr = trout
sc = sculpin

D.O. = dissolved oxygen
DM = daily maximum
MWAT = maximum weekly average temperature
See 33.6 for details on TVS, TVS(tr), TVS(sc), WS, temperature standards.

REGULATION #33 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS Roaring Fork River Basin

12. All lakes and reservoirs tributary to the Roaring Fork River except for specific listings in Segment 11.									
COUCRF12	Classifications	Physical and Biological			Metals (ug/L)				
Designation	Agriculture		DM	MWAT	acute	chronic			
Reviewable	Aq Life Cold 1	Temperature °C	4/1 - 12/31	CLL*	20.3* B	Aluminum	---	---	
	Recreation E	Temperature °C		CL,CLL	CL,CLL	Arsenic	340	0.02(T)	
	Water Supply					Beryllium	---	---	
	DUWS*					Cadmium	TVS(tr)	TVS	
Qualifiers:				acute	chronic	Chromium III	50(T)	TVS	
Other:		D.O. (mg/L)		---	6.0	Chromium VI	TVS	TVS	
<u>Temporary Modification(s):</u>		D.O. (spawning)		---	7.0	Copper	TVS	TVS	
<u>Arsenic(chronic) = hybrid</u>		pH		6.5 - 9.0	---	Iron	---	WS	
<u>Expiration Date of 12/31/2021</u>		chlorophyll a (ug/L)		---	8*	Iron	---	1000(T)	
*chlorophyll a (ug/L)(chronic) = applies only to lakes and reservoirs larger than 25 acres surface area. *Classification: DUWS Applies only to Leonard Thomas Res and Wildcat Res *Phosphorus(chronic) = applies only to lakes and reservoirs larger than 25 acres surface area. *Temperature(4/1 - 12/31) = Ruedi Res (MWAT=20.3)		E. Coli (per 100 mL)		---	126	Lead	TVS	TVS	
							Manganese	TVS	TVS
							Manganese	---	WS
							Mercury	---	0.01(t)
							Molybdenum	---	160(T)
							Nickel	TVS	TVS
							Selenium	TVS	TVS
							Silver	TVS	TVS(tr)
							Uranium	---	---
							Zinc	TVS	TVS

All metals are dissolved unless otherwise noted.
T = total recoverable
t = total
tr = trout
sc = sculpin

D.O. = dissolved oxygen
DM = daily maximum
MWAT = maximum weekly average temperature
See 33.6 for details on TVS, TVS(tr), TVS(sc), WS, temperature standards.

REGULATION #33 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

Yampa River Basin

2a. Mainstem of the Yampa River from the confluence with Wheeler Creek to a point immediately above the confluence with Oak Creek.						
COUCYA02A	Classifications	Physical and Biological		Metals (ug/L)		
Designation	Agriculture	DM	MWAT	acute	chronic	
Reviewable	Aq Life Cold 1	Temperature °C	CS-I	CS-I	Aluminum	---
	Recreation E	acute	chronic	Arsenic	340	0.02(T)
	Water Supply	D.O. (mg/L)	---	6.0	Beryllium	---
Qualifiers:		D.O. (spawning)	---	7.0	Cadmium	TVS(tr)
Other:		pH	6.5 - 9.0	---	Chromium III	50(T)
<u>Temporary Modification(s):</u>		chlorophyll a (mg/m2)	---	150*	Chromium VI	TVS
<u>Arsenic(chronic) = hybrid</u>		E. Coli (per 100 mL)	---	126	Copper	TVS
<u>Expiration Date of 12/31/2021</u>		Inorganic (mg/L)		Iron	---	WS
*chlorophyll a (mg/m2)(chronic) = applies only above the facilities listed at 33.5(4). *Phosphorus(chronic) = applies only above the facilities listed at 33.5(4).		acute	chronic	Iron	---	1000(T)
		Ammonia	TVS	TVS	Lead	TVS
		Boron	---	0.75	Manganese	TVS
		Chloride	---	250	Manganese	---
		Chlorine	0.019	0.011	Mercury	---
		Cyanide	0.005	---	Molybdenum	---
		Nitrate	10	---	Nickel	TVS
		Nitrite	---	0.05	Selenium	TVS
		Phosphorus	---	0.11*	Silver	TVS
		Sulfate	---	WS	Uranium	---
		Sulfide	---	0.002	Zinc	TVS
					Zinc	---
						TVS(sc)
13b. Mainstem of Foidel Creek, including all tributaries and wetlands. Mainstem Fish Creek, including all tributaries from County Road 27 downstream to the confluence with Trout Creek, except for specific listings in Segment 13g. Middle Creek and all tributaries, from County Road 27 downstream to the confluence with Trout Creek.						
COUCYA13B	Classifications	Physical and Biological		Metals (ug/L)		
Designation	Agriculture	DM	MWAT	acute	chronic	
Reviewable	Aq Life Warm 1	Temperature °C	WS-II	WS-II	Aluminum	---
	Recreation E	acute	chronic	Arsenic	340	7.6(T)
Qualifiers:		D.O. (mg/L)	---	6.0	Beryllium	---
Other:		D.O. (spawning)	---	7.0	Cadmium	TVS(tr)
Temporary Modification(s):		pH	6.5 - 9.0	---	Chromium III	TVS
Selenium(chronic) = current conditions*		chlorophyll a (mg/m2)	---	150	Chromium III	---
Expiration Date of 12/31/2018		E. Coli (per 100 mL)	---	126	Chromium VI	TVS
*Iron(chronic) = See section 33.6(4) for iron assessment locations. *Iron(chronic) = 2,090(T) ug/L for Middle Creek. See section 33.6(4) for iron assessment locations. *TempMod: Selenium = for Foidel and Middle Creeks.		Inorganic (mg/L)		Copper	TVS	TVS
		acute	chronic	Iron	---	1000(T)*
		Ammonia	TVS	TVS	Iron	3/1 - 6/30
		Boron	---	0.75	Lead	TVS
		Chloride	---	---	Manganese	TVS
		Chlorine	0.019	0.011	Mercury	---
		Cyanide	0.005	---	Molybdenum	---
		Nitrate	100	---	Nickel	TVS
		Nitrite	---	0.05	Selenium	TVS
		Phosphorus	---	0.11	Silver	TVS
		Sulfate	---	---	Uranium	---
		Sulfide	---	0.002	Zinc	TVS
						TVS

All metals are dissolved unless otherwise noted.
 T = total recoverable
 t = total
 tr = trout
 sc = sculpin

D.O. = dissolved oxygen
 DM = daily maximum
 MWAT = maximum weekly average temperature
 See 33.6 for details on TVS, TVS(tr), TVS(sc), WS, temperature standards.

REGULATION #33 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

Yampa River Basin

13d. Mainstem of Dry Creek, including all tributaries and wetlands, from the source to just above the confluence with Temple Gulch.								
COUCYA13D	Classifications	Physical and Biological			Metals (ug/L)			
Designation	Agriculture		DM	MWAT		acute	chronic	
UP	Aq Life Warm 2	Temperature °C	WS-II	WS-II	Aluminum	---	---	
	Recreation E		acute	chronic	Arsenic	340	100(T)	
Qualifiers:		D.O. (mg/L)	---	5.0	Beryllium	---	---	
Other:		pH	6.5 - 9.0	---	Cadmium	TVS	TVS	
Temporary Modification(s):		chlorophyll a (mg/m2)	---	150	Chromium III	TVS	TVS	
Iron(chronic) = current condition		E. Coli (per 100 mL)	---	126	Chromium III	---	100(T)	
Selenium(chronic) = current conditions		Inorganic (mg/L)			Chromium VI	TVS	TVS	
Expiration Date of 12/31/2018			acute	chronic	Copper	TVS	TVS	
Iron(chronic) = See section 33.6(4) for iron assessment locations.		Ammonia	TVS	TVS	Iron	5/1 - 2/29	---	1110(T)
Iron(chronic) = See section 33.6(4) for iron assessment locations.		Boron	---	0.75	Iron	3/1 - 4/30	---	3040(T)
		Chloride	---	---	Lead	TVS	TVS	
		Chlorine	0.019	0.011	Manganese	TVS	TVS	
		Cyanide	0.005	---	Mercury	---	0.01(t)	
		Nitrate	100	---	Molybdenum	---	160(T)	
		Nitrite	---	0.05	Nickel	TVS	TVS	
		Phosphorus	---	0.17	Selenium	TVS	TVS	
		Sulfate	---	---	Silver	TVS	TVS	
		Sulfide	---	0.002	Uranium	---	---	
					Zinc	TVS	TVS	
13e. Mainstem of Sage Creek, including all tributaries and wetlands, from its sources to the confluence with the Yampa River.								
COUCYA13E	Classifications	Physical and Biological			Metals (ug/L)			
Designation	Agriculture		DM	MWAT		acute	chronic	
UP	Aq Life Warm 2	Temperature °C	WS-II	WS-II	Aluminum	---	---	
	Recreation N		acute	chronic	Arsenic	340	100(T)	
Qualifiers:		D.O. (mg/L)	---	5.0	Beryllium	---	---	
Other:		pH	6.5 - 9.0	---	Cadmium	TVS	TVS	
Temporary Modification(s):		chlorophyll a (mg/m2)	---	---	Chromium III	TVS	TVS	
Selenium(chronic) = current conditions		E. Coli (per 100 mL)	---	630	Chromium III	---	100(T)	
Expiration Date of 12/31/2018		Inorganic (mg/L)			Chromium VI	TVS	TVS	
*Iron(chronic) = 1,000(T) ug/L on Lower Sage Creek. See section 33.6(4) for iron assessment locations.			acute	chronic	Copper	TVS	TVS	
Iron(chronic) = 1,250(T) ug/L on Upper Sage Creek. Break between Upper and Lower Sage Creek is the west border of Section 18, T5N, R87W. See section 33.6(4) for iron assessment locations.		Ammonia	TVS	TVS	Iron	---	1000(T)	
		Boron	---	0.75	Iron	---	1250(T)*	
		Chloride	---	---	Lead	TVS	TVS	
		Chlorine	0.019	0.011	Manganese	TVS	TVS	
		Cyanide	0.005	---	Mercury	---	0.01(t)	
		Nitrate	100	---	Molybdenum	---	160(T)	
		Nitrite	---	0.05	Nickel	TVS	TVS	
		Phosphorus	---	0.17	Selenium	TVS	TVS	
		Sulfate	---	---	Silver	TVS	TVS	
		Sulfide	---	0.002	Uranium	---	---	
					Zinc	TVS	TVS	

All metals are dissolved unless otherwise noted.
T = total recoverable
t = total
tr = trout
sc = sculpin

D.O. = dissolved oxygen
DM = daily maximum
MWAT = maximum weekly average temperature
See 33.6 for details on TVS, TVS(tr), TVS(sc), WS, temperature standards.

REGULATION #33 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

Yampa River Basin

13g. All tributaries to Fish Creek from the confluence with Cow Camp Creek to the confluence with Trout Creek,							
COUCYA13G	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture	DM	MWAT	acute	chronic		
Reviewable	Aq Life Warm 1	Temperature °C	WS-II	WS-II	Aluminum	---	
	Recreation E	acute	chronic	Arsenic	340	7.6(T)	
Qualifiers:		D.O. (mg/L)	---	5.0	Beryllium	---	
Other: Temporary Modification(s): Selenium(chronic) = current conditions Expiration Date of 12/31/2018		pH	6.5 - 9.0	---	Cadmium	TVS(tr)	
		chlorophyll a (mg/m2)	---	150	Chromium III	TVS	TVS
		E. Coli (per 100 mL)	---	126	Chromium VI	TVS	TVS
		Inorganic (mg/L)		Copper	TVS	TVS	
		acute	chronic	Iron	---	1000(T)	
		Ammonia	TVS	TVS	Lead	TVS	TVS
		Boron	---	0.75	Manganese	TVS	TVS
		Chloride	---	---	Mercury	---	0.01(t)
		Chlorine	0.019	0.011	Molybdenum	---	160(T)
		Cyanide	0.005	---	Nickel	TVS	TVS
		Nitrate	100	---	Selenium	TVS	TVS
		Nitrite	---	0.05	Silver	TVS	TVS(tr)
		Phosphorus	---	0.17	Uranium	---	---
		Sulfate	---	---	Zinc	TVS	TVS
		Sulfide	---	0.002			

13i. Mainstem of Grassy Creek, including all tributaries and wetlands, from the source to immediately above the confluence with Scotchmans Gulch.							
COUCYA13I	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture	DM	MWAT	acute	chronic		
UP	Aq Life Warm 2	Temperature °C	WS-II	WS-II	Aluminum	---	
	Recreation N	acute	chronic	Arsenic	340	100(T)	
Qualifiers:		D.O. (mg/L)	---	5.0	Beryllium	---	
Other: Temporary Modification(s): Iron(chronic) = current conditions* Selenium(chronic) = current conditions Expiration Date of 12/31/2018 *Iron(chronic) = See section 33.6(4) for iron assessment locations. *TempMod: Iron = for Grassy Creek.		pH	6.5 - 9.0	---	Cadmium	TVS	
		chlorophyll a (mg/m2)	---	---	Chromium III	TVS	TVS
		E. Coli (per 100 mL)	---	630	Chromium VI	TVS	TVS
		Inorganic (mg/L)		Copper	TVS	TVS	
		acute	chronic	Iron	---	1000(T)*	
		Ammonia	TVS	TVS	Lead	TVS	TVS
		Boron	---	0.75	Manganese	TVS	TVS
		Chloride	---	---	Mercury	---	0.01(t)
		Chlorine	0.019	0.011	Molybdenum	---	160(T)
		Cyanide	0.005	---	Nickel	TVS	TVS
		Nitrate	100	---	Selenium	TVS	TVS
		Nitrite	---	0.05	Silver	TVS	TVS
		Phosphorus	---	0.17	Uranium	---	---
		Sulfate	---	---	Zinc	TVS	TVS
		Sulfide	---	0.002			

13i. Mainstem of Grassy Creek, including all tributaries and wetlands, from the source to immediately above the confluence with Scotchmans Gulch.						
COUCYA13I	Classifications	Physical and Biological			Metals (ug/L)	
Designation	Agriculture	DM	MWAT	acute		chronic
UP	Aq Life Warm 2	Temperature °C	WS-II	WS-II	Aluminum	---
	Recreation N	acute	chronic	Arsenic	340	100(T)
Qualifiers:		D.O. (mg/L)	---	5.0	Beryllium	---
Other:		pH	6.5 - 9.0	---	Cadmium	TVS
Temporary Modification(s):		chlorophyll a (mg/m2)	---	---	Chromium III	TVS
Iron(chronic) = current conditions*		E. Coli (per 100 mL)	---	630	Chromium VI	TVS
Selenium(chronic) = current conditions		Inorganic (mg/L)			Copper	TVS
Expiration Date of 12/31/2018		acute	chronic	Iron	---	1000(T)*
*Iron(chronic) = See section 33.6(4) for iron assessment locations.		Ammonia	TVS	TVS	Lead	TVS
*TempMod: Iron = for Grassy Creek.		Boron	---	0.75	Manganese	TVS
		Chloride	---	---	Mercury	---
		Chlorine	0.019	0.011	Molybdenum	---
		Cyanide	0.005	---	Nickel	TVS
		Nitrate	100	---	Selenium	TVS
		Nitrite	---	0.05	Silver	TVS
		Phosphorus	---	0.17	Uranium	---
		Sulfate	---	---	Zinc	TVS
		Sulfide	---	0.002		

All metals are dissolved unless otherwise noted.
T = total recoverable
t = total
tr = trout
sc = sculpin

D.O. = dissolved oxygen
DM = daily maximum
MWAT = maximum weekly average temperature
See 33.6 for details on TVS, TVS(tr), TVS(sc), WS, temperature standards.

EXHIBIT 3
WATER QUALITY CONTROL DIVISION

COLORADO DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT
WATER QUALITY CONTROL COMMISSION

5 CCR 1002-36

REGULATION NO. 36
CLASSIFICATIONS AND NUMERIC STANDARDS
FOR
RIO GRANDE BASIN

....

36.41 STATEMENT OF BASIS, SPECIFIC STATUTORY AUTHORITY AND PURPOSE; DECEMBER 11, 2017 RULEMAKING; FINAL ACTION JANUARY 8, 2018; EFFECTIVE DATE JUNE 30, 2018

The provisions of C.R.S. 25-8-202(1)(a), (b) and (2); 25-8-203; 25-8-204; and 25-8-402; provide the specific statutory authority for adoption of these regulatory amendments. The commission also adopted in compliance with 24-4-103(4) C.R.S. the following statement of basis and purpose.

BASIS AND PURPOSE

Pursuant to the requirements in the Basic Standards (at 31.7(3)), the commission reviewed the status of temporary modifications scheduled to expire before December 31, 2019 to determine whether the temporary modification should be modified, eliminated, or extended.

No action: The commission took no action on the temporary modifications on the following segments:

Rio Grande Segments 4a and 7: temporary modifications of the standards on Rio Grande Segment 4a (cadmium, lead, zinc, and ammonia) and Segment 7 (cadmium, copper, lead, silver, zinc, ammonia); expire 12/31/2018. Both the Town of Creede and Rio Grande Silver presented evidence that they are making progress on the plan for eliminating the need for need for the temporary modifications. The commission took no action on the temporary modifications on these two segments as the original time allotment was deemed adequate to resolve the uncertainty.

**COLORADO DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT
WATER QUALITY CONTROL COMMISSION**

5 CCR 1002-36

**REGULATION NO. 36
CLASSIFICATIONS AND NUMERIC STANDARDS
FOR
RIO GRANDE BASIN**

**APPENDIX 36-1
Stream Classifications and Water Quality Standards Tables**

Effective 06/30/~~2017~~2018

REGULATION #36 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

Rio Grande River Basin

4a. Mainstem of the Rio Grande from a point immediately above the confluence with Willow Creek to a point immediately above the confluence with the South Fork Rio Grande.							
CORGRG04A		Classifications		Physical and Biological		Metals (ug/L)	
Designation	Agriculture		DM	MWAT		acute	chronic
Reviewable	Aq Life Cold 1	Temperature °C	CS-II	CS-II	Aluminum	---	---
	Recreation E		acute	chronic	Arsenic	340	0.02(T)
	Water Supply	D.O. (mg/L)	---	6.0	Beryllium	---	---
		D.O. (spawning)	---	7.0	Cadmium	varies*	varies*
pH		6.5 - 9.0	---	Chromium III	50(T)	TVS	
Qualifiers: Other: Temporary Modification(s): Ammonia(ac/ch) = current conditions Cadmium(chronic) = current condition Lead(chronic) = current condition Zinc(chronic) = current condition Expiration Date of 12/31/2018 Arsenic(chronic) = hybrid Expiration Date of 12/31/2021 *Cadmium(acute) = See 36.6(4) for site-specific standards and assessment locations. *Cadmium(chronic) = See 36.6(4) for site-specific standards and assessment locations. *Lead(chronic) = See 36.6(4) for site-specific standards and assessment locations. *Manganese(chronic) = See 36.6(4) for site-specific standards and assessment locations. *Zinc(acute) = See 36.6(4) for site-specific standards and assessment locations. *Zinc(chronic) = See 36.6(4) for site-specific standards and assessment locations.		chlorophyll a (mg/m2)	---	---	Chromium VI	TVS	TVS
		E. Coli (per 100 mL)	---	126	Copper	TVS	TVS
					Iron	---	WS
		Inorganic (mg/L)			Iron	---	1000(T)
			acute	chronic	Lead	TVS	varies*
		Ammonia	TVS	TVS	Manganese	TVS	varies*
		Boron	---	0.75	Mercury	---	0.01(T)
		Chloride	---	250	Molybdenum	---	160(T)
		Chlorine	0.019	0.011	Nickel	TVS	TVS
		Cyanide	0.005	---	Selenium	TVS	TVS
		Nitrate	10	---	Silver	TVS	TVS(tr)
		Nitrite	---	0.05	Uranium	---	---
		Phosphorus	---	---	Zinc	varies*	varies*
		Sulfate	---	WS			
		Sulfide	---	0.002			

All metals are dissolved unless otherwise noted.
T = total recoverable
t = total
tr = trout

D.O. = dissolved oxygen
DM = daily maximum
MWAT = maximum weekly average temperature
See 36.6 for details on TVS, TVS(tr), WS, temperature standards.

REGULATION #36 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

Rio Grande River Basin

7. Mainstem of West Willow Creek from the Park Regent Mine dump to the confluence with East Willow Creek. Mainstem of Willow Creek, including all tributaries from the confluence of East and West Willow Creeks, to the confluence with the Rio Grande.

CORGRG07	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture	DM		MWAT	acute		chronic
UP	Aq Life Cold 2	Temperature °C	CS-II	CS-II	Aluminum	---	---
	Recreation E	acute	chronic		Arsenic	340	100(T)
Qualifiers:		D.O. (mg/L)	---	6.0	Beryllium	---	---
Other:		D.O. (spawning)	---	7.0	Cadmium	varies*	varies*
Temporary Modification(s):		pH	6.5 - 9.0	---	Chromium III	TVS	TVS
Ammonia(ac/ch) = current conditions*		chlorophyll a (mg/m2)	---	150*	Chromium III	---	100(T)
Cadmium(ac/ch) = varies*		E. Coli (per 100 mL)	---	126	Chromium VI	TVS	TVS
Copper(ac/ch) = varies*					Copper	varies*	varies*
Lead(ac/ch) = varies*		Inorganic (mg/L)			Iron	---	1000(T)
Silver(acute) = varies*		acute	chronic		Lead	varies*	varies*
Zinc(ac/ch) = varies*		Ammonia	TVS	TVS	Manganese	varies*	varies*
Expiration Date of 12/31/2018		Boron	---	0.75	Mercury	---	0.01(T)
*chlorophyll a (mg/m2)(chronic) = applies only above the facilities listed at 36.5(4).		Chloride	---	---	Molybdenum	---	160(T)
*Phosphorus(chronic) = applies only above the facilities listed at 36.5(4).		Chlorine	---	0.011	Nickel	TVS	TVS
*Cadmium(acute) = See 36.6(4) for temporary modifications, site-specific standards and assessment locations.		Cyanide	0.005	---	Selenium	TVS	TVS
Cadmium(chronic) = See 36.6(4) for temporary modifications, site-specific standards and assessment locations.		Nitrate	100	---	Silver	varies	TVS
*Copper(acute) = See 36.6(4) for temporary modifications, site-specific standards and assessment locations.		Nitrite	---	10	Uranium	---	---
Copper(chronic) = See 36.6(4) for temporary modifications, site-specific standards and assessment locations.		Phosphorus	---	0.11	Zinc	varies*	varies*
*Lead(acute) = See 36.6(4) for temporary modifications, site-specific standards and assessment locations.		Sulfate	---	---			
*Lead(chronic) = See 36.6(4) for temporary modifications, site-specific standards and assessment locations.		Sulfide	---	0.002			
*Manganese(acute) = See 36.6(4) for site-specific standards and assessment locations.							
*Manganese(chronic) = See 36.6(4) for site-specific standards and assessment locations.							
*Silver(acute) = See 36.6(4) for temporary modifications, site-specific standards and assessment locations.							
*Zinc(acute) = See 36.6(4) for temporary modifications, site-specific standards and assessment locations.							
*Zinc(chronic) = See 36.6(4) for temporary modifications, site-specific standards and assessment locations.							
*TempMod: Ammonia = Willow below Creede WWTF.							
*TempMod: Cadmium = See 36.6(4) for temporary modifications and assessment locations.							
*TempMod: Copper = See 36.6(4) for temporary modifications and assessment locations.							
*TempMod: Lead = See 36.6(4) for temporary modifications and assessment locations.							
*TempMod: Silver = See 36.6(4) for temporary modifications and assessment locations.							
*TempMod: Zinc = See 36.6(4) for temporary modifications and assessment locations.							

All metals are dissolved unless otherwise noted.
T = total recoverable
t = total
tr = trout

D.O. = dissolved oxygen
DM = daily maximum
MWAT = maximum weekly average temperature
See 36.6 for details on TVS, TVS(tr), WS, temperature standards.

EXHIBIT 4
WATER QUALITY CONTROL DIVISION

COLORADO DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT
WATER QUALITY CONTROL COMMISSION

5 CCR 1002-37

REGULATION NO. 37
CLASSIFICATIONS AND NUMERIC STANDARDS
FOR
LOWER COLORADO RIVER BASIN

....

37.38 STATEMENT OF BASIS, SPECIFIC STATUTORY AUTHORITY AND PURPOSE; DECEMBER 11, 2017 RULEMAKING; FINAL ACTION JANUARY 8, 2018; EFFECTIVE DATE JUNE 30, 2018

The provisions of C.R.S. 25-8-202(1)(a), (b) and (2); 25-8-203; 25-8-204; and 25-8-402; provide the specific statutory authority for adoption of these regulatory amendments. The Commission also adopted in compliance with 24-4-103(4) C.R.S. the following statement of basis and purpose.

BASIS AND PURPOSE

Pursuant to the requirements in the Basic Standards (at 31.7(3)), the commission reviewed the status of temporary modifications scheduled to expire before December 31, 2019 to determine whether the temporary modification should be modified, eliminated, or extended.

No action: The commission took no action on the temporary modifications on the following segments:

Lower Colorado Segment 4e: temporary modifications of the copper (expires 12/31/2019) and iron (expires 12/31/2018) standards. Tri-State Power and Generation presented evidence that it is making progress on the plan for eliminating the need for the temporary modifications. The commission took no action on the temporary modifications on this segment as the original time allotment was deemed adequate to resolve the uncertainty.

**COLORADO DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT
WATER QUALITY CONTROL COMMISSION**

5 CCR 1002-37

**REGULATION NO. 37
CLASSIFICATIONS AND NUMERIC STANDARDS
FOR
LOWER COLORADO RIVER BASIN**

**APPENDIX 37-1
Stream Classifications and Water Quality Standards Tables**

Effective 06/30/~~2017~~2018

REGULATION #37 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

Lower Colorado River

4e. Mainstem of Dry Creek including all tributaries and wetlands from the source to immediately above the Last Chance Ditch.						
COLCLC04E	Classifications	Physical and Biological			Metals (ug/L)	
Designation			DM	MWAT	acute	chronic
UP	Agriculture					
	Aq Life Cold 2	Temperature °C	CS-II	CS-II	Aluminum	---
	Recreation N		acute	chronic	Arsenic	340
Qualifiers:		D.O. (mg/L)	---	5.0	Beryllium	---
Other:		pH	6.5 - 9.0	---	Cadmium	TVS
Temporary Modification(s):		chlorophyll a (mg/m2)	---	---	Chromium III	TVS
Copper(ac/ch) = current conditions		E. Coli (per 100 mL)	---	630	Chromium III	---
Expiration Date of 12/31/2019		Inorganic (mg/L)			Chromium VI	TVS
Iron(chronic) = current conditions			acute	chronic	Copper	TVS
Expiration Date of 12/31/2018		Ammonia	TVS	TVS	Iron	---
*Phosphorus(chronic) = applies only above the facilities listed at 37.5(4).		Boron	---	0.75	Lead	TVS
		Chloride	---	---	Manganese	TVS
		Chlorine	0.019	0.011	Mercury	---
		Cyanide	0.005	---	Molybdenum	---
		Nitrate	100	---	Nickel	TVS
		Nitrite	---	0.05	Selenium	TVS
		Phosphorus	---	0.11*	Silver	TVS
		Sulfate	---	---	Uranium	---
		Sulfide	---	0.002	Zinc	TVS

All metals are dissolved unless otherwise noted.
T = total recoverable
t = total
tr = trout
sc = sculpin

D.O. = dissolved oxygen
DM = daily maximum
MWAT = maximum weekly average temperature
See 37.6 for details on TVS, TVS(tr), TVS(sc), WS, temperature standards.

EXHIBIT 5
WATER QUALITY CONTROL DIVISION

COLORADO DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT
WATER QUALITY CONTROL COMMISSION

5 CCR 1002-38

REGULATION NO. 38
CLASSIFICATIONS AND NUMERIC STANDARDS
FOR
SOUTH PLATTE RIVER BASIN, LARAMIE RIVER BASIN,
REPUBLICAN RIVER BASIN, SMOKY HILL RIVER BASIN

....

38.97 STATEMENT OF BASIS, SPECIFIC STATUTORY AUTHORITY AND PURPOSE; DECEMBER 11, 2017 RULEMAKING; FINAL ACTION JANUARY 8, 2018; EFFECTIVE DATE JUNE 30, 2018

The provisions of C.R.S. 25-8-202(1)(a), (b) and (2); 25-8-203; 25-8-204; and 25-8-402; provide the specific statutory authority for adoption of these regulatory amendments. The commission also adopted in compliance with 24-4-103(4) C.R.S. the following statement of basis and purpose.

BASIS AND PURPOSE

Pursuant to the requirements in the Basic Standards (at 31.7(3)), the commission reviewed the status of temporary modifications scheduled to expire before December 31, 2019 to determine whether the temporary modification should be modified, eliminated, or extended.

No action: The commission took no action on the temporary modifications on the following segments:

Upper South Platte Segment 3: temporary modification of the ammonia standard below the Florissant Wastewater Treatment Facility (expires 12/31/2017). The Town of Florissant obtained funding to upgrade its facility and a progress report indicated the facility is on track to comply with ammonia effluent limits. The commission took no action on this temporary modification and it was deleted from the table because it expires 12/31/2017.

Upper South Platte Segment 10a: temporary modifications of the copper (expires 12/31/2018; applies below the Plum Creek Water Reclamation Authority) and manganese (expires 6/30/2019) standards. Plum Creek Water Reclamation Authority continues to make progress on resolving the uncertainty underlying both temporary modifications. The commission made no change to the expiration date as the original time allotment was deemed adequate to resolve the uncertainty.

Clear Creek Segments 11, 14a, 14b, and 15: temporary modification of the temperature standard (expires 6/30/2019). Miller Coors continues to make progress on resolving the uncertainty. The commission made no change to the expiration date as the original time allotment was deemed adequate to resolve the uncertainty.

Clear Creek Segment 13b: temporary modification of the cadmium standard (expires 12/31/2018). Black Hawk and Central City Sanitation District continues to make progress on resolving the uncertainty. The commission made no change to the expiration date as the original time allotment was deemed adequate to resolve the uncertainty.

New temporary modifications of the arsenic standard:

Consistent with the actions taken in 2013, the commission adopted a temporary modification of the arsenic standard on segments on the following list, with an expiration date of 12/31/2021. At the April 8, 2013 rulemaking, the commission heard testimony that concurred with the finding from a December 13, 2011 rulemaking hearing that an initial reasonable lower limit of treatment technology for arsenic is 3.0 µg/L, pending further investigation by the division, dischargers and stakeholders. The temporary modification was established by the commission to allow for a temporarily less stringent application of the chronic arsenic standard in control requirements for both existing discharges and new or increased discharges.

Cherry Creek Segment 3
Boulder Creek Segment 7b

**COLORADO DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT
WATER QUALITY CONTROL COMMISSION**

5 CCR 1002-38

**REGULATION NO. 38
CLASSIFICATIONS AND NUMERIC STANDARDS
FOR
SOUTH PLATTE RIVER BASIN, LARAMIE RIVER BASIN
REPUBLICAN RIVER BASIN, SMOKY HILL RIVER BASIN**

**APPENDIX 38-1
Stream Classifications and Water Quality Standards Tables**

Effective 06/30/~~2017~~2018

REGULATION #38 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

Upper South Platte River Basin

3. All tributaries to the South Platte River, including all wetlands from a point immediately below the confluence with Tarryall Creek to a point immediately above the confluence with the North Fork of the South Platte River, except for specific listings in Segment 1b.

COSPUS03	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture		DM	MWAT		acute	chronic
Reviewable	Aq Life Cold 1	Temperature °C	CS-I	CS-I	Aluminum	---	---
	Recreation E		acute	chronic	Arsenic	340	0.02(T)
	Water Supply	D.O. (mg/L)	---	6.0	Beryllium	---	---
Qualifiers:		D.O. (spawning)	---	7.0	Cadmium	TVS(tr)	TVS
Other:		pH	6.5 - 9.0	---	Cadmium	5.0(T)	---
Temporary Modification(s):		chlorophyll a (mg/m2)	---	150*	Chromium III	50(T)	TVS
Ammonia(ac/ch) = current condition*		E. Coli (per 100 mL)	---	126	Chromium VI	TVS	TVS
Expiration Date of 12/31/2017					Copper	TVS	TVS
Arsenic(chronic) = hybrid		Inorganic (mg/L)			Iron	---	WS
Expiration Date of 12/31/2021			acute	chronic	Iron	---	1000(T)
*chlorophyll a (mg/m2)(chronic) = applies only above the facilities listed at 38.5(4).		Ammonia	TVS	TVS	Lead	TVS	TVS
*Phosphorus(chronic) = applies only above the facilities listed at 38.5(4).		Boron	---	0.75	Lead	50(T)	---
*TempMod: Ammonia = below the Florissant Wastewater Treatment Facility outfall.		Chloride	---	250	Manganese	TVS	TVS
		Chlorine	0.019	0.011	Manganese	---	WS
		Cyanide	0.005	---	Mercury	---	0.01(t)
		Nitrate	10	---	Molybdenum	---	150(T)
		Nitrite	---	0.05	Nickel	TVS	TVS
		Phosphorus	---	0.11*	Nickel	---	100(T)
		Sulfate	---	WS	Selenium	TVS	TVS
		Sulfide	---	0.002	Silver	TVS	TVS(tr)
					Uranium	---	---
					Zinc	TVS	TVS

10a. Mainstems of East Plum Creek, West Plum Creek, and Plum Creek from the boundary of National Forest lands to Chatfield Reservoir, mainstems of Stark Creek and Gove Creek from the boundary of National Forest lands to their confluence.

COSPUS10A	Classifications	Physical and Biological			Metals (ug/L)			
Designation	Agriculture	DM	MWAT	acute		chronic		
Reviewable	Aq Life Warm 1	Temperature °C	WS-I	WS-I	Aluminum	---	---	
	Recreation E	acute	chronic	Arsenic	340	0.02(T)		
	Water Supply	D.O. (mg/L)	---	5.0	Beryllium	---	---	
Qualifiers:		pH	6.5 - 9.0	---	Cadmium	TVS	TVS	
Other: Temporary Modification(s): Arsenic(chronic) = hybrid Expiration Date of 12/31/2021 Copper(ac/ch) = current condition* Expiration Date of 12/31/2018 Manganese(chronic) = current condition* Expiration Date of 6/30/2019 temperature(DM/MWAT) = current condition* 12/1 - 2/29 Expiration Date of 12/31/2020 *chlorophyll a (mg/m2)(chronic) = applies only above the facilities listed at 38.5(4). *Phosphorus(chronic) = applies only above the facilities listed at 38.5(4). *TempMod: Copper = East Plum Creek and Plum Creek below the PCWRA discharge. *TempMod: Manganese = applies to the manganese WS standard. *TempMod: temperature(12/1 - 2/29) = East Plum Creek and Plum Creek below the PCWRA discharge.		chlorophyll a (mg/m2)	---	150*	Cadmium	5.0(T)	---	
		E. Coli (per 100 mL)	---	126	Chromium III	50(T)	TVS	
		Inorganic (mg/L)			Chromium VI	TVS	TVS	
		acute			chronic	Copper	TVS	TVS
		Ammonia	TVS	TVS	Iron	---	WS	
		Boron	---	0.75	Iron	---	1000(T)	
		Chloride	---	250	Lead	TVS	TVS	
		Chlorine	0.019	0.011	Lead	50(T)	---	
		Cyanide	0.005	---	Manganese	TVS	TVS	
		Nitrate	10	---	Manganese	---	WS	
		Nitrite	---	0.5	Mercury	---	0.01(t)	
		Phosphorus	---	0.17*	Molybdenum	---	150(T)	
		Sulfate	---	WS	Nickel	TVS	TVS	
		Sulfide	---	0.002	Nickel	---	100(T)	
		Selenium	TVS	TVS				
		Silver	TVS	TVS				
		Uranium	---	---				
		Zinc	TVS	TVS				

All metals are dissolved unless otherwise noted.
T = total recoverable
t = total
tr = trout

D.O. = dissolved oxygen
DM = daily maximum
MWAT = maximum weekly average temperature
See 38.6 for details on TVS, TVS(tr), WS, temperature standards.

REGULATION #38 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

Cherry Creek Basin

3. Mainstem of Cherry Creek from the outlet of Cherry Creek Reservoir to the confluence with the South Platte River.							
COSPCH03	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture	DM	MWAT		acute	chronic	
Reviewable	Aq Life Warm 2	Temperature °C	WS-II	WS-II	Aluminum	---	---
	Recreation E	acute	chronic		Arsenic	340	0.02-10(T) ^A
	Water Supply	D.O. (mg/L)	---	5.0	Beryllium	---	---
Qualifiers:		pH	6.5 - 9.0	---	Cadmium	TVS	TVS
Other: <u>Temporary Modification(s):</u> <u>Arsenic(chronic) = hybrid</u> <u>Expiration Date of 12/31/2021</u>		chlorophyll a (mg/m2)	---	---	Cadmium	5.0(T)	---
		E. Coli (per 100 mL)	---	126	Chromium III	50(T)	TVS
		Inorganic (mg/L)			Chromium VI	TVS	TVS
			acute	chronic	Copper	TVS	TVS
		Ammonia	TVS	TVS	Iron	---	WS
		Boron	---	0.75	Iron	---	1000(T)
		Chloride	---	250	Lead	TVS	TVS
		Chlorine	0.019	0.011	Lead	50(T)	---
		Cyanide	0.005	---	Manganese	TVS	TVS
		Nitrate	10	---	Manganese	---	WS
		Nitrite	---	0.5	Mercury	---	0.01(t)
		Phosphorus	---	---	Molybdenum	---	150(T)
		Sulfate	---	WS	Nickel	TVS	TVS
		Sulfide	---	0.002	Nickel	---	100(T)
					Selenium	TVS	TVS
					Silver	TVS	TVS
					Uranium	---	---
					Zinc	TVS	TVS

All metals are dissolved unless otherwise noted.
T = total recoverable
t = total
tr = trout

D.O. = dissolved oxygen
DM = daily maximum
MWAT = maximum weekly average temperature
See 38.6 for details on TVS, TVS(tr), WS, temperature standards.

REGULATION #38 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

Clear Creek Basin

11. Mainstem of Clear Creek from a point just above the Argo Tunnel discharge to the Farmers Highline Canal diversion in Golden, Colorado.							
COSPCL11	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture	DM	MWAT	acute	chronic		
UP	Aq Life Cold 1	Temperature °C	CS-I	CS-I	Aluminum	---	
	Recreation E	acute	chronic	Arsenic	340	0.02(T)	
	Water Supply	D.O. (mg/L)	---	6.0	Beryllium	---	
Qualifiers:		D.O. (spawning)	---	7.0	Cadmium	TVS(tr)	
Other: Temporary Modification(s): Arsenic(chronic) = hybrid Expiration Date of 12/31/2021 temperature(DM/MWAT) = current condition* Expiration Date of 6/30/2019 *Zinc(acute) = 0.978e^(0.8537[ln(hardness)]+1.9467) *Zinc(chronic) = 0.986e^(0.8537[ln(hardness)]+1.8032) *TempMod: temperature = from a point just downstream of the US 6 Bridge to the Farmers Highline Canal diversion in Golden, Colorado.		pH	6.5 - 9.0	---	Cadmium	5.0(T)	
		chlorophyll a (mg/m2)	---	---	Chromium III	50(T)	TVS
		E. Coli (per 100 mL)	---	126	Chromium VI	TVS	TVS
					Copper	---	17
		Inorganic (mg/L)			Iron	---	WS
		acute	chronic	Iron	---	1000(T)	
		Ammonia	TVS	TVS	Lead	TVS	TVS
		Boron	---	0.75	Lead	50(T)	---
		Chloride	---	250	Manganese	TVS	TVS
		Chlorine	0.019	0.011	Manganese	---	WS
		Cyanide	0.005	---	Mercury	---	0.01(t)
		Nitrate	10	---	Molybdenum	---	150(T)
		Nitrite	---	0.05	Nickel	TVS	TVS
		Phosphorus	---	---	Nickel	---	100(T)
		Sulfate	---	WS	Selenium	TVS	TVS
		Sulfide	---	0.002	Silver	TVS	TVS(tr)
					Uranium	---	---
					Zinc	---	SSE*
					Zinc	SSE*	---
		13b. Mainstem of North Clear Creek including all tributaries and wetlands from a point just below the confluence with Chase Gulch to the confluence with Clear Creek, except for the specific listings in Segment 13a.					
COSPCL13B	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture	DM	MWAT	acute	chronic		
UP	Aq Life Cold 2	Temperature °C	CS-I	CS-I	Aluminum	---	
	Recreation E	acute	chronic	Arsenic	340	100(T)	
Qualifiers:		D.O. (mg/L)	---	6.0	Beryllium	---	
Other: Temporary Modification(s): Cadmium(chronic) = 4.7 Expiration Date of 12/31/2018 temperature(DM/MWAT) = current condition Expiration Date of 12/31/2020 *chlorophyll a (mg/m2)(chronic) = applies only above the facilities listed at 38.5(4). *Phosphorus(chronic) = applies only above the facilities listed at 38.5(4).		D.O. (spawning)	---	7.0	Cadmium	TVS(tr)	
		pH	6.5 - 9.0	---	Chromium III	TVS	TVS
		chlorophyll a (mg/m2)	---	150*	Chromium III	---	100(T)
		E. Coli (per 100 mL)	---	126	Chromium VI	TVS	TVS
					Copper	---	64
		Inorganic (mg/L)			Iron	---	5400(T)
		acute	chronic	Lead	TVS	TVS	
		Ammonia	TVS	TVS	Manganese	TVS	TVS
		Boron	---	0.75	Mercury	---	0.01(t)
		Chloride	---	---	Molybdenum	---	150(T)
		Chlorine	0.019	0.011	Nickel	TVS	TVS
		Cyanide	0.005	---	Selenium	TVS	TVS
		Nitrate	100	---	Silver	TVS	TVS(tr)
		Nitrite	---	0.05	Uranium	---	---
		Phosphorus	---	0.11*	Zinc	---	740
		Sulfate	---	---			
		Sulfide	---	0.002			

All metals are dissolved unless otherwise noted.
T = total recoverable
t = total
tr = trout

D.O. = dissolved oxygen
DM = daily maximum
MWAT = maximum weekly average temperature
See 38.6 for details on TVS, TVS(tr), WS, temperature standards.

REGULATION #38 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

Clear Creek Basin

14a. Mainstem of Clear Creek from the Farmers Highline Canal diversion in Golden, Colorado to the Denver Water conduit #16 crossing.						
COSPCL14A	Classifications	Physical and Biological			Metals (ug/L)	
Designation	Agriculture	DM	MWAT	acute	chronic	
UP	Aq Life Warm 2	Temperature °C	WS-II	WS-II	Aluminum	---
	Recreation N	acute	chronic	Arsenic	340	0.02-10(T)
	Water Supply	D.O. (mg/L)	---	5.0	Beryllium	---
Qualifiers:		pH	6.5 - 9.0	---	Cadmium	TVS
Other:		chlorophyll a (mg/m2)	---	---	Cadmium	5.0(T)
Temporary Modification(s):		E. Coli (per 100 mL)	---	630	Chromium III	50(T)
Arsenic(chronic) = hybrid		Inorganic (mg/L)			Chromium VI	TVS
Expiration Date of 12/31/2021		acute	chronic	Copper	TVS	TVS
temperature(DM/MWAT) = current condition		Ammonia	TVS	TVS	Iron	---
Expiration Date of 6/30/2019		Boron	---	0.75	Iron	---
*Zinc(acute) = TVS x (times) the FWER (final water effect ratio).		Chloride	---	250	Lead	TVS
Expiration date of 12/31/20.		Chlorine	0.019	0.011	Lead	50(T)
*Zinc(chronic) = TVS x (times) the FWER (final water effect ratio).		Cyanide	0.005	---	Manganese	TVS
Expiration date of 12/31/20.		Nitrate	10	---	Mercury	---
		Nitrite	---	0.5	Molybdenum	---
		Phosphorus	---	---	Nickel	TVS
		Sulfate	---	WS	Nickel	---
		Sulfide	---	0.002	Selenium	TVS
					Silver	TVS
					Uranium	---
					Zinc	TVSx1.57*
						TVSx1.57*

14b. Mainstem of Clear Creek from the Denver Water conduit #16 crossing to a point just below Youngfield Street in Wheat Ridge, Colorado.						
COSPCL14B	Classifications	Physical and Biological			Metals (ug/L)	
Designation	Agriculture	DM	MWAT	acute	chronic	
UP	Aq Life Warm 2	Temperature °C	WS-II	WS-II	Aluminum	---
	Recreation E	acute	chronic	Arsenic	340	0.02(T)
	Water Supply	D.O. (mg/L)	---	5.0	Beryllium	---
Qualifiers:		pH	6.5 - 9.0	---	Cadmium	TVS
Water + Fish Standards		chlorophyll a (mg/m2)	---	---	Cadmium	5.0(T)
Other:		E. Coli (per 100 mL)	---	126	Chromium III	50(T)
Temporary Modification(s):		Inorganic (mg/L)			Chromium VI	TVS
temperature(DM/MWAT) = current condition		acute	chronic	Copper	TVS	TVS
Expiration Date of 6/30/2019		Ammonia	TVS	TVS	Iron	---
*Zinc(acute) = TVS x (times) the FWER (final water effect ratio).		Boron	---	0.75	Iron	---
Expiration date of 12/31/20.		Chloride	---	250	Lead	TVS
*Zinc(chronic) = TVS x (times) the FWER (final water effect ratio).		Chlorine	0.019	0.011	Lead	50(T)
Expiration date of 12/31/20.		Cyanide	0.005	---	Manganese	TVS
		Nitrate	10	---	Mercury	---
		Nitrite	---	0.5	Molybdenum	---
		Phosphorus	---	---	Nickel	TVS
		Sulfate	---	WS	Nickel	---
		Sulfide	---	0.002	Selenium	TVS
					Silver	TVS
					Uranium	---
					Zinc	TVSx1.57*
						TVSx1.57*

All metals are dissolved unless otherwise noted.
T = total recoverable
t = total
tr = trout

D.O. = dissolved oxygen
DM = daily maximum
MWAT = maximum weekly average temperature
See 38.6 for details on TVS, TVS(tr), WS, temperature standards.

REGULATION #38 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

Clear Creek Basin

15. Mainstem of Clear Creek from Youngfield Street in Wheat Ridge, Colorado, to the confluence with the South Platte River.							
COSPCL15	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture		DM	MWAT		acute	chronic
Reviewable	Aq Life Warm 1*	Temperature °C	WS-II	WS-II	Aluminum	---	---
	Recreation E		acute	chronic	Arsenic	340	0.02(T)
	Water Supply	D.O. (mg/L)	---	5.0	Beryllium	---	---
Qualifiers:		pH	6.5 - 9.0	---	Cadmium	TVS	TVS
Other: Temporary Modification(s): Arsenic(chronic) = hybrid Expiration Date of 12/31/2021 temperature(DM/MWAT) = current condition Expiration Date of 6/30/2019 *Classification: Aquatic life warm 1 goal qualifier. *Zinc(acute) = TVS x (times) the FWER (final water effect ratio). Expiration date of 12/31/20. *Zinc(chronic) = TVS x (times) the FWER (final water effect ratio). Expiration date of 12/31/20.		chlorophyll a (mg/m2)	---	---	Cadmium	5.0(T)	---
		E. Coli (per 100 mL)	---	126	Chromium III	50(T)	TVS
		Inorganic (mg/L)			Chromium VI	TVS	TVS
			acute	chronic	Copper	TVS	TVS
		Ammonia	TVS	TVS	Iron	---	WS
		Boron	---	0.75	Iron	---	1000(T)
		Chloride	---	250	Lead	TVS	TVS
		Chlorine	0.019	0.011	Lead	50(T)	---
		Cyanide	0.005	---	Manganese	TVS	TVS
		Nitrate	10	---	Manganese	---	WS
		Nitrite	---	0.5	Mercury	---	0.01(t)
		Phosphorus	---	---	Molybdenum	---	150(T)
		Sulfate	---	WS	Nickel	TVS	TVS
		Sulfide	---	0.002	Nickel	---	100(T)
					Selenium	TVS	TVS
			Silver	TVS	TVS		
			Uranium	---	---		
			Zinc	TVSx1.57*	TVSx1.57*		

All metals are dissolved unless otherwise noted.
T = total recoverable
t = total
tr = trout

D.O. = dissolved oxygen
DM = daily maximum
MWAT = maximum weekly average temperature
See 38.6 for details on TVS, TVS(tr), WS, temperature standards.

REGULATION #38 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

Boulder Creek Basin

7b. Mainstem of Coal Creek from Highway 36 to the confluence with Boulder Creek.							
COSPBO07B	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture		DM	MWAT	acute	chronic	
Reviewable	Aq Life Warm 2	Temperature °C	WS-II	WS-II	Aluminum	---	
	Recreation E		acute	chronic	Arsenic	340	
	Water Supply	D.O. (mg/L)	---	5.0	Beryllium	---	
Qualifiers:		pH	6.5 - 9.0	---	Cadmium	TVS	
<div>Other:</div> <div>Temporary Modification(s):</div> <div>Arsenic(chronic) = hybrid</div> <div>Expiration Date of 12/31/2021</div>		chlorophyll a (mg/m2)	---	---	Cadmium	5.0(T)	
		E. Coli (per 100 mL)	---	126	Chromium III	50(T)	TVS
		Inorganic (mg/L)			Chromium VI	TVS	TVS
			acute	chronic	Copper	TVS	TVS
		Ammonia	TVS	TVS	Iron	---	WS
		Boron	---	0.75	Iron	---	1000(T)
		Chloride	---	250	Lead	TVS	TVS
		Chlorine	0.019	0.011	Lead	50(T)	---
		Cyanide	0.005	---	Manganese	TVS	TVS
		Nitrate	10	---	Manganese	---	WS
		Nitrite	---	0.5	Mercury	---	0.01(t)
		Phosphorus	---	---	Molybdenum	---	150(T)
		Sulfate	---	WS	Nickel	TVS	TVS
		Sulfide	---	0.002	Nickel	---	100(T)
					Selenium	TVS	TVS
					Silver	TVS	TVS
					Uranium	---	---
					Zinc	TVS	TVS

All metals are dissolved unless otherwise noted.
T = total recoverable
t = total
tr = trout

D.O. = dissolved oxygen
DM = daily maximum
MWAT = maximum weekly average temperature
See 38.6 for details on TVS, TVS(tr), WS, temperature standards.

EXHIBIT 6
PEABODY SAGE CREEK MINING COMPANY
AND SENECA COAL COMPANY

DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT

Water Quality Control Commission

**REGULATION NO. 33 - CLASSIFICATIONS AND NUMERIC STANDARDS FOR UPPER COLORADO
RIVER BASIN AND NORTH PLATTE RIVER (PLANNING REGION 12)**

5 CCR 1002-33

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33.6 TABLES

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(4) Assessment Criteria

The following criteria shall be used when assessing whether a specified waterbody is in attainment of the specified standard.

~~(e)(a)~~ Yampa River Segment 13b: Standards and Iron Assessment Thresholds and Locations for Iron and Selenium

Iron Standards:

Middle Creek-

March-June, ~~Fe(ch) = 2090(Tree)~~Iron(chronic)=2090(T), median of all data
July-February, ~~Fe(ch) = 1000 (Tree)~~Iron(chronic)=1000(T)

Foidel Creek: ~~Fe(ch) = 1000(Tree)~~Iron(chronic)=1000(T), median of all data

Iron Assessment Locations:

- Middle Creek Site G-MC-2/Site 29: located at ~~N~~40°-23'-48.3"N, ~~W~~106°-58'47.0"W.
- Foidel Creek Site 14: located at ~~N~~40°-33'-48.6"N, ~~W~~107°-08'-63.5"W.
- Foidel Creek Site 8: located at ~~N~~40°-21'-55.7"N, ~~W~~107°-02'-43.6"W.
- Foidel Creek Site 900: located at ~~N~~40°-23'-24.7"N, ~~W~~106°-59'-40.9"W.

Selenium Standards:

Selenium(chronic)=9.5 mg/kg dry weight whole body. See section 33.6(4)(h) for fish-tissue assessment method.

Selenium Assessment Locations:

- Foidel Creek Site FOC-1, located at 40°21'55.69"N, 107°2'43.57"W.

~~(a)(b)~~ Yampa River Segment 13d, ~~Dry Creek: Iron Standards and~~ Assessment Thresholds and Locations for Iron and Selenium

Iron Standards:

~~Mar-Apr, Fe(ch) = 3040(Trec), snowmelt season median values~~

~~May-Feb, Fe(ch) = 1110(Trec), no snowmelt season median values~~

Dry Creek, Watering Trough Gulch, and 005 Gulch: Iron(chronic)= 1000(T)

Hubberson Gulch

March-June, Iron(chronic)=2750(T)

July-February, Iron(chronic)=1000(T)

Iron Assessment Locations:

- ~~Seneca II-W Stream Site 7 on Hubberson Gulch (WSH7): located in the middle reaches of Hubberson Gulch~~
Dry Creek Site G-DC-2/WSD5, located at 40°25'18.50"N, 107°15'41.80"W.
- Watering Trough Gulch Site G-WTG-2, located at 40°23'32.38"N, 107°16'24.35"W.
- 005 Gulch Site G-05-2, located at 40°24'26.94"N, 107°15'56.67"W.
- Hubberson Gulch Site G-HG-2/WSHF1, located at 40°23'31.50"N, 107°16'20.40"W.
- ~~Seneca II-W Flume Site 1 on Hubberson Gulch (WSHF1): located on Hubberson Gulch just upstream of its confluence with Dry Creek~~

~~Seneca II-W Stream Site 5 on Dry Creek (WSD5): located in the middle reaches of Dry Creek~~
Selenium Standards:

Selenium(chronic)=9.5 mg/kg dry weight whole body. See section 33.6(4)(h) for fish-tissue assessment method.

Selenium Assessment Locations:

- Dry Creek Site G-DC-1, located at 40°23'45.2"N, 107°16'19.5"W.
- Dry Creek Site G-DC-2/WSD5, located at 40°25'18.50"N, 107°15'41.80"W.

~~(b)(c)~~ Yampa River Segment 13e, ~~Sage Creek: Iron Standards and~~ Assessment Thresholds and Locations for Iron and Selenium

Iron Standards:

Upper Sage Creek: Fe(ch)Iron(chronic)=-1250(Trec), median of all data

Lower Sage Creek: Iron(chronic)=1000(T), median of all data

Break between Upper and Lower Sage Creek is the west border of Section 18, T5N, R87W.

Iron Assessment Locations:

- Yeast Stream Site 2 on Sage Creek (YSS2): located upstream of the west border of Section 18, T5N, R87W

Fe(ch) = 1000(Trec), median of all data

Assessment locations:

- Seneca II-W Stream Site 3 on Sage Creek (WSSF3): located downstream of the west border of Section 18, T5N, R87W

Selenium Standards:

Selenium(chronic)=9.5 mg/kg dry weight whole body. See section 33.6(4)(h) for fish-tissue assessment method.

Selenium Assessment Locations:

- Sage Creek Site G-SC-3, located at 40°26'28.8"N, 107°11'58.7"W.

(d) Yampa River Segment 13g: Standards and Assessment Locations for Selenium

Selenium Standards:

Selenium(chronic)=9.5 mg/kg dry weight whole body. See section 33.6(4)(h) for fish-tissue assessment method.

Selenium Assessment Locations:

- Bond Creek Site G-BC-2, located at 40°24'50.6"N, 107°01'58.0"W.
- Cow Camp Creek Site G-CC-2/SSC10, located at 40°23'51.7"N, 107°01'13.3"W.

(e) Yampa River Segment 13h: Standards and Assessment Locations for Selenium

Selenium Standards:

Lower Dry Creek and tributaries other than Temple Gulch:

March-July: Selenium(acute/chronic)=91.3 / 60.0 µg/L

August-February: Selenium(acute/chronic)=TVS / 6.6 µg/L

Temple Gulch:

March-July: Selenium(acute/chronic)=136.5 / 116.2 µg/L

August-February: Selenium(acute/chronic)=TVS / TVS µg/L

Selenium Assessment Locations

- Dry Creek Site G-DC-3/HGSD1, located at 40°27'26.0"N, 107°15'06.6"W.

- Dry Creek Site G-DC-4, located at 40°28'57.9"N, 107°14'21.1"W.
- Temple Gulch Site G-TG-1, located at 40°27'19.0"N, 107°15'45.0"W.

(f) Yampa River Segment 13i: Standards and Assessment Locations for Iron and Selenium

Iron Standards

Grassy Creek:

March-June: Iron(chronic)=1410(T)
July-February: Iron(chronic)=1000(T)

Little Grassy Creek:

March-June: Iron(chronic)=2000(T)
July-February: Iron(chronic)=1000(T)

Iron Assessment Locations

- Grassy Creek Site G-GC-1A/YSG6, located at 40°23'11.09"N, 107°9'13.31"W.
- Little Grassy Creek Site G-LGC-1A/SSLG5, located at 40°24'53.31"N, 107°07'37.96"W.

Selenium Standards:

Selenium(chronic)=9.5 mg/kg dry weight whole body. See section 33.6(4)(h) for fish-tissue assessment method.

Selenium Assessment Locations

- Grassy Creek Site G-GC-2/SSG2, located at 40°26'44.5"N, 107°08'38.4"W.

(g) Yampa River Segment 13j: Standards and Assessment Locations for Selenium

Selenium Standards:

Lower Grassy Creek:

March-July: Selenium(acute/chronic)=TVS / 6.25 µg/L
August-February: Selenium(acute/chronic)=TVS / TVS µg/L

Annand Draw:

March-July: Selenium(acute/chronic)=25.2 / 19.8 µg/L
August-February: Selenium(acute/chronic)=TVS / TVS µg/L

Scotchmans Gulch:

March-July: Selenium(acute/chronic)=65.8 / 40.9 µg/L
August-February: Selenium(acute/chronic)=TVS / TVS µg/L

Selenium Assessment Locations

- Lower Grassy Creek Site G-GC-3/YSG5, located at 40°26'51.7"N, 107°08'42.8"W.
- Lower Grassy Creek Site G-GC-4, located at 40°28'51.2"N, 107°09'04.4"W.

- Annand Draw Site G-AD-1A, located at 40°26'03.0"N, 107°09'23.5"W.
- Annand Draw Site G-AD-1/NPDES10, located at 40°24'35.4"N, 107°10'04.2"W.
- Scotchmans Gulch Site G-SG-1/YSSG1, located at 40°25'56.9"N, 107°10'02.3"W.
- Scotchmans Gulch Site G-SG-1A, located at 40°26'34.80"N, 107°08'43.93"W.

(h) Fish-Tissue Assessment Method and Permit Implementation for Selenium Whole Body Tissue Standards, Yampa River Segments 13b, 13d, 13e, 13g, and 13i.

The implementation of the chronic tissue-based standards will use a combination of water column and fish tissue data, using a water column trigger value of 8.8 µg/L, as follows:

- Compare the 85th percentile of water column concentrations to the trigger value. If the 85th percentile is lower than the trigger value, the standard is attained. If the 85th percentile is higher than the trigger value, proceed to assessment of fish tissue data.
- Compare the mean fish tissue concentrations (whole body) to the standard elements. If the mean fish tissue concentrations exceed the standard, then the standard is impaired.

For implementation in permitting, the following methods shall apply:

- For discharges that have reached a steady state (i.e., discharges of selenium that have existed at comparable flow and concentration more than 6 months), compare downstream mean fish tissue concentrations to the standard. If the mean fish tissue concentrations are significantly below the tissue-based standard, there is no reasonable potential for the discharge to cause or contribute to an exceedance of the fish tissue standard, and no WQBEL is necessary. Monitoring will be required to document continued steady-state conditions in the discharge.
- If the discharge has reasonable potential, effluent limitations will be required. If the 30-day average effluent concentrations exceed the trigger value, the discharger will be required to accelerate downstream fish tissue sampling. If the mean fish tissue concentrations at the first downstream site with fish exceed the standard, then the effluent limitation is exceeded.

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33.60 STATEMENT OF BASIS, SPECIFIC STATUTORY AUTHORITY AND PURPOSE; DECEMBER 11, 2017 RULEMAKING; FINAL ACTION JANUARY 8, 2018; EFFECTIVE DATE JUNE 30, 2018

The provisions of C.R.S. 25-8-202(1)(a), (b) and (2); 25-8-203; 25-8-204; and 25-8-402; provide the specific statutory authority for adoption of these regulatory amendments. The commission also adopted in compliance with 24-4-103(4) C.R.S. the following statement of basis and purpose.

BASIS AND PURPOSE

Yampa River Segments 13b, 13d, 13e, 13g, 13h, 13i, and 13j: temporary modifications of the iron standards (Segments 13d and 13i, expire 12/31/2018) and the selenium standards (Segments 13b, 13d,

13e, 13g, 13i, expire 12/31/2018) were reviewed. The Commission deleted the iron and selenium temporary modifications on these segments, and adopted site-specific iron and selenium standards on these and additional segments of the Yampa River sub-basin based on evidence submitted by Peabody Sage Creek Mining Company and Seneca Coal Company (Peabody).

IRON

Peabody submitted sufficient data and justification to support ambient-based site-specific total recoverable iron standards for Yampa River Segments 13d and 13i. Data indicate that natural or irreversible conditions within the Yampa River Basin watershed are driving instream concentrations of total recoverable iron. The Commission adopted the following seasonal standards based on the 50th percentile of iron data:

Yampa River Segment 13d:

Dry Creek, Watering Trough Gulch, and 005 Gulch: Iron (chronic) = 1000 (T) µg/L

Hubberson Gulch:

March-June: Iron (chronic) = 2750 (T) µg/L

July-February: Iron (chronic) = 1000 (T) µg/L

Yampa River Segment 13i:

Grassy Creek:

March-June: Iron (chronic) = 1410 (T) µg/L

July-February: Iron (chronic) = 1000 (T) µg/L

Little Grassy Creek,

March-June: Iron (chronic) = 2000 (T) µg/L

July-February: Iron (chronic) = 1000 (T) µg/L

Evidence submitted by Peabody demonstrated that ambient iron concentrations were not inhibiting the attainment of the limited aquatic use; the aquatic life use on these segments is limited due to the lack of water and flow throughout much of the drainage. Therefore, based on analysis of the benthic macroinvertebrate community, ambient standards are protective of the highest attainable use in these segments.

The Commission specified assessment locations for the iron standards at section 33.6(4), to ensure that future assessment is consistent with the methods used to derive the standards.

The Commission removed the temporary modifications for iron of “current condition” that had previously been in place for Yampa River Segments 13d and 13i.

SELENIUM

Peabody submitted sufficient data and justification to support selenium site-specific standards for Yampa River Segments 13b, 13d, 13e, 13g, 13h, 13i, and 13j.

The Yampa River sub-basin has limited water throughout many of the drainages, which affects the ability of these streams to support robust aquatic populations or for fish communities to develop and persist from year-to-year. The variability in available flow is one of the determining characteristics for evaluation of the potential for these streams to provide suitable habitat, especially in the upper extent of the segments. Concentrations of selenium in fish (where present) and invertebrate tissues are low in upper reaches, with increasing concentrations in the lower reaches, largely in response to the influx of groundwater with naturally occurring selenium from underlying geology, especially from un-mined tributaries.

In July 2016, the EPA released updated aquatic life ambient water quality criteria for selenium. In addition to the updated chronic water column criteria, the new criteria document included criteria for fish tissue, consisting of egg/ovary and whole body/muscle elements. Due to the bioaccumulative properties of selenium, EPA set the fish tissue criteria to take precedence over the water column criteria, and set the egg/ovary element to take precedence over the whole body/muscle element. In September 2016, EPA released draft support documents to accompany the selenium criteria; the support documents have not yet been finalized.

Peabody evaluated the available final and draft information from the EPA, and based on these documents proposed site-specific selenium standards for multiple Yampa River Segments.

The Commission adopted site-specific chronic selenium standards on segments 13b, 13d, 13e, 13g, and 13i of 9.5 mg/kg dry weight whole body tissue. These standards are based on a targeted recalculation of the EPA 304(a) fish tissue criteria, after removing the most sensitive species in the EPA database, white sturgeon, which is not found in the Colorado basin and is not a surrogate for another species. The Commission did not adopt egg ovary standards on segments 13b, 13d, 13e, 13g, or 13i due to site-specific considerations, namely the small population of fish in these reaches, as well as the often limited number of gravid fish from which to collect egg samples. Additionally, values based on muscle tissue or muscle plugs were not considered as the fish in these segments are too small for a muscle plug to be taken.

Recognizing the practical difficulties of collecting fish tissue data, the implementation of the chronic tissue-based standards will use a combination of water column and fish tissue data, using a trigger value of 8.8 µg/L, as follows:

- Assessment
 - Compare the 85th percentile of water column concentrations to the trigger value. If the 85th percentile is lower than the trigger value, the standard is attained. If the 85th percentile is higher than the trigger value, proceed to assessment of fish tissue data.
 - Compare the mean fish tissue concentrations (whole body) to the standard elements. If the mean fish tissue concentrations exceed the standard, then the standard is impaired.
- Permitting
 - For discharges that have reached a steady state (i.e., discharges of selenium that have existed at comparable flow and concentration more than 6 months), compare downstream mean fish tissue concentrations to the standard. If the mean fish tissue concentrations are significantly below the tissue-based standard, there is no reasonable potential for the discharge to cause or contribute to an exceedance of the fish tissue standard, and no WQBEL is necessary. Monitoring will be required to document continued steady-state conditions in the discharge.
 - If the discharge has reasonable potential, effluent limitations will be required. If the 30-day average effluent concentrations exceed the trigger value, the discharger will be required to accelerate downstream fish tissue sampling. If the mean fish tissue concentrations at the first downstream site with fish exceed the standard, then the effluent limitation is exceeded.

The water column trigger value of 8.8 µg/L was chosen based on re-calculations using Colorado-specific data from the National EPA database. This value is more appropriate than the national lotic criterion or existing table value standard, given that Colorado has specific selenium issues not present in other states.

The Commission adopted site-specific ambient-based selenium standards on segments 13h and 13j. Data indicate that natural or irreversible conditions within the Yampa Basin watershed are driving instream concentrations of selenium. The Commission adopted the following standards:

Yampa River Segment 13h:

Lower Dry Creek and tributaries other than Temple Gulch:

March-July: Selenium (acute/chronic) = 91.3 / 60.0 µg/L

August-February: Selenium (acute/chronic) = TVS / 6.6 µg/L

Temple Gulch:

March-July: Selenium (acute/chronic) = 136.5 / 116.2 µg/L

August-February: Selenium (acute/chronic) = TVS / TVS µg/L

Yampa River Segment 13j:

Lower Grassy Creek:

March-July: Selenium (acute/chronic) = TVS / 6.25 µg/L

August-February: Selenium (acute/chronic) = TVS / TVS µg/L

Annand Draw:

March-July: Selenium (acute/chronic) = 25.2 / 19.8 µg/L

August-February: Selenium (acute/chronic) = TVS / TVS µg/L

Scotchmans Gulch:

March-July: Selenium (acute/chronic) = 65.8 / 40.9 µg/L

August-February: Selenium (acute/chronic) = TVS / TVS µg/L

The Commission specified assessment locations for the selenium standards at section 33.6(4), to ensure that future assessment is consistent with the methods used to derive the standards.

The Commission removed the temporary modifications for selenium of “current condition” that had previously been in place for Yampa River Segments 13b, 13d, 13e, 13g, and 13i. The Commission recognizes that potential changes may be warranted to segment boundaries to fully address selenium issues in the Yampa River Basin.

TYPOGRAPHICAL AND OTHER CORRECTIONS

Finally, the Commission made edits to improve clarity and correct typographical errors in section 33.6(4) and the corresponding tables for Yampa River sub-basin segments, including:

- The assessment criteria for Yampa River segment 13b was moved from 33.6(4)(c) to 33.6(4)(a) to improve clarity in assessing, as multiple additional assessment criteria were added to this subsection 33.6(4). This resulted in shifting the subsections of the existing assessment information for Yampa River segments 13d and 13e.
- Certain abbreviations in subsection 33.6(4) were updated to match formatting changes adopted in January 2016, i.e., Fe was changed to Iron, ch was changed to chronic, Trec was changed to T, months were spelled out instead of abbreviated.
- Certain formatting changes were made in subsection 33.6(4) to improve readability of the section given the addition of information for assessment purposes, including rearranging and adding clarifying information for the iron standards and assessment locations for Yampa River Segment 13e. No substantive changes were made to the iron standards and iron assessment locations for segment 13e.
- The reference to section 33.6(4) for assessment locations for iron in the table for Yampa River Segment 13h was removed, as there is no assessment criteria for iron for this segment.

**COLORADO DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT
WATER QUALITY CONTROL COMMISSION**

5 CCR 1002-33

**REGULATION NO. 33
CLASSIFICATIONS AND NUMERIC STANDARDS
FOR
UPPER COLORADO RIVER BASIN AND
NORTH PLATTE RIVER (PLANNING REGION 12)**

**APPENDIX 33-1
Stream Classifications and Water Quality Standards Tables**

Effective 06/30/~~2017~~2018

REGULATION #33 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS Yampa River Basin

13b. Mainstem of Foidel Creek, including all tributaries and wetlands. Mainstem Fish Creek, including all tributaries from County Road 27 downstream to the confluence with Trout Creek, except for specific listings in Segment 13g. Middle Creek and all tributaries, from County Road 27 downstream to the confluence with Trout Creek.

COUCYA13B		Classifications			Physical and Biological			Metals (ug/L)		
Designation	Agriculture		DM	MWAT		acute	chronic			
Reviewable	Aq Life Warm 1	Temperature °C	WS-II	WS-II	Aluminum	---	---			
	Recreation E		acute	chronic	Arsenic	340	7.6(T)			
Qualifiers:		D.O. (mg/L)	---	6.0	Beryllium	---	---			
Other:		D.O. (spawning)	---	7.0	Cadmium	TVS(tr)	TVS			
Temporary Modification(s):		pH	6.5 - 9.0	---	Chromium III	TVS	TVS			
Selenium(chronic) = current conditions*		chlorophyll a (mg/m²)	---	150	Chromium III	---	100(T)			
Expiration Date of 12/31/2018		E. Coli (per 100 mL)	---	126	Chromium VI	TVS	TVS			
					Copper	TVS	TVS			
		Inorganic (mg/L)			Iron	---	1000(T)*			
			acute	chronic	Iron	3/1 - 6/30	---	2090(T)*		
		Ammonia	TVS	TVS	Lead	TVS	TVS			
		Boron	---	0.75	Manganese	TVS	TVS			
		Chloride	---	---	Mercury	---	0.01(t)			
		Chlorine	0.019	0.011	Molybdenum	---	160(T)			
		Cyanide	0.005	---	Nickel	TVS	TVS			
		Nitrate	100	---	Selenium	TVS	TVSTissue*			
		Nitrite	---	0.05	Silver	TVS	TVS(tr)			
		Phosphorus	---	0.11	Uranium	---	---			
		Sulfate	---	---	Zinc	TVS	TVS			
		Sulfide	---	0.002						

13c. Mainstem of Trout Creek from the headgate of Spruce Hill Ditch (approximately 2,500 feet north of where County Road 27 crosses Trout Creek) to its confluence with Fish Creek. All tributaries to Trout Creek from the headgate of Spruce Hill Ditch (approximately 2,500 feet north of where County Road 27 crosses Trout Creek) to County Road 179 except for specific listings in 13b.

COUCYA13C	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture		DM	MWAT		acute	chronic
Reviewable	Aq Life Cold 1	Temperature °C	CS-II	CS-II	Aluminum	---	---
	Recreation E		acute	chronic	Arsenic	340	7.6(T)*
	Water Supply 6/1 - 2/29	D.O. (mg/L)	---	6.0	Beryllium	---	---
Qualifiers:		D.O. (spawning)	---	7.0	Cadmium	TVS(tr)	TVS
Other:		pH	6.5 - 9.0	---	Chromium III	TVS*	TVS
Temporary Modification(s):		chlorophyll a (mg/m²)	---	150	Chromium III	---	100(T)
Arsenic(chronic) = hybrid 6/1 - 2/29		E. Coli (per 100 mL)	---	126	Chromium VI	TVS	TVS
Expiration Date of 12/31/2021					Copper	TVS	TVS
		Inorganic (mg/L)			Iron	6/1 - 2/29 ---	WS
*Nitrate(acute) = 10 mg/L from 6/1 - 2/29			acute	chronic	Iron	---	1000(T)
*Arsenic(chronic) = 0.02(T) ug/L from 6/1 - 2/29		Ammonia	TVS	TVS	Lead	TVS	TVS
Chromium III(acute) = 50(T) ug/L from 6/1 - 2/29		Boron	---	0.75	Manganese	TVS	TVS
*Manganese(chronic) = WS from 6/1 - 2/29		Chloride 6/1 - 2/29	---	250	Mercury	---	0.01(t)
		Chlorine	0.019	0.011	Molybdenum	---	160(T)
		Cyanide	0.005	---	Nickel	TVS	TVS
		Nitrate	100*	---	Selenium	TVS	TVS
		Nitrite	---	0.05	Silver	TVS	TVS(tr)
		Phosphorus	---	0.11	Uranium	---	---
		Sulfate 6/1 - 2/29	---	WS	Zinc	TVS	TVS
		Sulfide	---	0.002			

REGULATION #33 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

Yampa River Basin

13d. Mainstem of Dry Creek, including all tributaries and wetlands, from the source to just above the confluence with Temple Gulch.						
COUCYA13D	Classifications	Physical and Biological			Metals (ug/L)	
Designation	Agriculture	DM	MWAT		acute	chronic
UP	Aq Life Warm 2	WS-II	WS-II	Aluminum	---	---
	Recreation E	acute	chronic	Arsenic	340	100(T)
Qualifiers:		D.O. (mg/L)	---	5.0	Beryllium	---
Other:		pH	6.5 - 9.0	---	Cadmium	TVS
Temporary Modification(s):		chlorophyll a (mg/m ²)	---	150	Chromium III	TVS
Iron(chronic) = current condition	3/1 - 4/30	E. Coli (per 100 mL)	---	126	Chromium III	---
Expiration Date of 12/31/2018		Inorganic (mg/L)		Chromium VI	TVS	TVS
Selenium(chronic) = current conditions		acute	chronic	Copper	TVS	TVS
Expiration Date of 12/31/2018		Ammonia	TVS	TVS	Iron	57/1 - 2/29 --- 1140 1000(T)*
Iron(chronic), 7/1-2/29 = 1,000(T) ug/L. See section 33.6(4) for iron assessment locations.		Boron	---	0.75	Iron	3/1 - 46/30 --- 3040 1000(T)
Iron(chronic), 3/1-6/30 = 1,000(T) ug/L on Dry Creek, Watering Trough Gulch, and 005 Gulch. See section 33.6(4) for iron assessment locations.		Chloride	---	---	Iron	3/1 - 6/30 --- 2750 (T)
*Iron(chronic), 3/1-6/30 = 2750(T) ug/L on Hubberson Gulch. See section 33.6(4) for iron assessment locations.		Chlorine	0.019	0.011	Lead	TVS
*Selenium(chronic) = 9.5 mg/kg dry weight whole body. See section 33.6(4) for selenium assessment locations and fish-tissue assessment method.		Cyanide	0.005	---	Manganese	TVS
		Nitrate	100	---	Mercury	---
		Nitrite	---	0.05	Molybdenum	---
		Phosphorus	---	0.17	Nickel	TVS
		Sulfate	---	---	Selenium	TVS
		Sulfide	---	0.002	Silver	TVS
					Uranium	---
					Zinc	TVS

13e. Mainstem of Sage Creek, including all tributaries and wetlands, from its sources to the confluence with the Yampa River.						
COUCYA13E	Classifications	Physical and Biological			Metals (ug/L)	
Designation	Agriculture	DM	MWAT		acute	chronic
UP	Aq Life Warm 2	WS-II	WS-II	Aluminum	---	---
	Recreation N	acute	chronic	Arsenic	340	100(T)
Qualifiers:		D.O. (mg/L)	---	5.0	Beryllium	---
Other:		pH	6.5 - 9.0	---	Cadmium	TVS
Temporary Modification(s):		chlorophyll a (mg/m ²)	---	---	Chromium III	TVS
Selenium(chronic) = current conditions		E. Coli (per 100 mL)	---	630	Chromium III	---
Expiration Date of 12/31/2018		Inorganic (mg/L)		Chromium VI	TVS	TVS
*Iron(chronic) = 1,000(T) ug/L on Lower Sage Creek. See section 33.6(4) for iron assessment locations.		acute	chronic	Copper	TVS	TVS
*Iron(chronic) = 1,250(T) ug/L on Upper Sage Creek. Break between Upper and Lower Sage Creek is the west border of Section 18, T5N, R87W. See section 33.6(4) for iron assessment locations.		Ammonia	TVS	TVS	Iron	---
*Selenium(chronic) = 9.5 mg/kg dry weight whole body. See section 33.6(4) for selenium assessment locations and fish-tissue assessment method.		Boron	---	0.75	Iron	---
		Chloride	---	---	Lead	TVS
		Chlorine	0.019	0.011	Manganese	TVS
		Cyanide	0.005	---	Mercury	---
		Nitrate	100	---	Molybdenum	---
		Nitrite	---	0.05	Nickel	TVS
		Phosphorus	---	0.17	Selenium	TVS
		Sulfate	---	---	Silver	TVS
		Sulfide	---	0.002	Uranium	---
					Zinc	TVS

REGULATION #33 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

Yampa River Basin

13f. Mainstem of Trout Creek, including all tributaries and wetlands, from a point immediately below its confluence with Fish Creek to the confluence with the Yampa River.						
COUCYA13F	Classifications	Physical and Biological			Metals (ug/L)	
Designation	Agriculture	DM	MWAT		acute	chronic
Reviewable	Aq Life Cold 1	Temperature °C	CS-II	CS-II	Aluminum	---
	Recreation E	acute	chronic		Arsenic	340
	Water Supply	D.O. (mg/L)	---	6.0	Beryllium	---
Qualifiers:		D.O. (spawning)	---	7.0	Cadmium	TVS(tr)
Other:		pH	6.5 - 9.0	---	Chromium III	50(T)
Temporary Modification(s):		chlorophyll a (mg/m ²)	---	150	Chromium VI	TVS
Arsenic(chronic) = hybrid		E. Coli (per 100 mL)	---	126	Copper	TVS
Expiration Date of 12/31/2021		Inorganic (mg/L)			Iron	---
		acute	chronic		Iron	---
		Ammonia	TVS	TVS	Lead	TVS
		Boron	---	0.75	Manganese	TVS
		Chloride	---	250	Manganese	---
		Chlorine	0.019	0.011	Mercury	---
		Cyanide	0.005	---	Molybdenum	---
		Nitrate	10	---	Nickel	TVS
		Nitrite	---	0.05	Selenium	TVS
		Phosphorus	---	0.11	Silver	TVS
		Sulfate	---	WS	Uranium	---
		Sulfide	---	0.002	Zinc	TVS

13g. All tributaries to Fish Creek from the confluence with Cow Camp Creek to the confluence with Trout Creek,						
COUCYA13G	Classifications	Physical and Biological			Metals (ug/L)	
Designation	Agriculture	DM	MWAT		acute	chronic
Reviewable	Aq Life Warm 1	Temperature °C	WS-II	WS-II	Aluminum	---
	Recreation E	acute	chronic		Arsenic	340
Qualifiers:		D.O. (mg/L)	---	5.0	Beryllium	---
Other:		pH	6.5 - 9.0	---	Cadmium	TVS(tr)
Temporary Modification(s):		chlorophyll a (mg/m ²)	---	150	Chromium III	TVS
Selenium(chronic) = current conditions		E. Coli (per 100 mL)	---	126	Chromium VI	TVS
Expiration Date of 12/31/2018		Inorganic (mg/L)			Copper	TVS
*Selenium(chronic) = 9.5 mg/kg dry weight whole body. See section 33.6(4) for selenium assessment locations and fish-tissue assessment method.		acute	chronic		Iron	---
		Ammonia	TVS	TVS	Lead	TVS
		Boron	---	0.75	Manganese	TVS
		Chloride	---	---	Mercury	---
		Chlorine	0.019	0.011	Molybdenum	---
		Cyanide	0.005	---	Nickel	TVS
		Nitrate	100	---	Selenium	TVS
		Nitrite	---	0.05	Silver	TVS
		Phosphorus	---	0.17	Uranium	---
		Sulfate	---	---	Zinc	TVS
		Sulfide	---	0.002		

REGULATION #33 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

Yampa River Basin

13h. Mainstem of Dry Creek, including all tributaries and wetlands, from the confluence with Temple Gulch to the confluence with the Yampa River near Hayden.					
COUCYA13H	Classifications	Physical and Biological		Metals (ug/L)	
Designation	Agriculture	DM	MWAT	acute	chronic
UP	Aq Life Warm 2	WS-II	WS-II	Aluminum	---
	Recreation E	acute	chronic	Arsenic	340
Qualifiers: Other: <u>*Iron(chronic) = See section 33.6(4) for iron assessment locations.</u> <u>*Selenium(acute) = See section 33.6(4) for selenium site-specific standards and assessment locations.</u> <u>*Selenium(chronic) = See section 33.6(4) for selenium site-specific standards and assessment locations.</u>	D.O. (mg/L)	---	5.0	Beryllium	---
	pH	6.5 - 9.0	---	Cadmium	TVS(T)
	chlorophyll a (mg/m ²)	---	150	Chromium III	TVS
	E. Coli (per 100 mL)	---	126	Chromium VI	TVS
	Inorganic (mg/L)		Copper	TVS	TVS
	acute	chronic	Iron	---	1000(T)*
	Ammonia	TVS	TVS	Lead	TVS
	Boron	---	0.75	Manganese	TVS
	Chloride	---	---	Mercury	0.01(t)
	Chlorine	0.019	0.011	Molybdenum	---
	Cyanide	0.005	---	Nickel	TVS
	Nitrate	100	---	Selenium	TVS varies*
	Nitrite	---	0.05	Silver	TVS
	Phosphorus	---	0.17	Uranium	---
	Sulfate	---	---	Zinc	TVS
	Sulfide	---	0.002		
13i. Mainstem of Grassy Creek, including all tributaries and wetlands, from the source to immediately above the confluence with Scotchmans Gulch.					
COUCYA13I	Classifications	Physical and Biological		Metals (ug/L)	
Designation	Agriculture	DM	MWAT	acute	chronic
UP	Aq Life Warm 2	WS-II	WS-II	Aluminum	---
	Recreation N	acute	chronic	Arsenic	340
Qualifiers: Other: <u>Temporary Modification(s):</u> <u>Iron(chronic) = current conditions*</u> <u>Expiration Date of 12/31/2018</u> <u>Selenium(chronic) = current conditions</u> <u>Expiration Date of 12/31/2018</u> <u>*Iron(chronic), 7/1-2/29 = 1000(T) ug/L. See section 33.6(4) for iron assessment locations.</u> <u>*Iron(chronic), 3/1-6/30 = 1410(T) ug/L on Grassy Creek. See section 33.6(4) for iron assessment locations.</u> <u>*Iron(chronic), 3/1-6/30 = 2000(T) ug/L on Little Grassy Creek. See section 33.6(4) for iron assessment locations.</u> <u>*Selenium(chronic) = 9.5 mg/kg dry weight whole body. See section 33.6(4) for selenium assessment locations and fish-tissue assessment method.</u> <u>*TempMod: Iron = for Grassy Creek.</u>	D.O. (mg/L)	---	5.0	Beryllium	---
	pH	6.5 - 9.0	---	Cadmium	TVS
	chlorophyll a (mg/m ²)	---	---	Chromium III	TVS
	E. Coli (per 100 mL)	---	630	Chromium VI	TVS
	Inorganic (mg/L)		Copper	TVS	TVS
	acute	chronic	Iron	<u>7/1-2/29</u>	1000(T)*
	Ammonia	TVS	TVS	<u>Iron</u>	<u>3/1-6/30</u>
	Boron	---	0.75	<u>Iron</u>	<u>3/1-6/30</u>
	Chloride	---	---	Lead	TVS
	Chlorine	0.019	0.011	Manganese	TVS
	Cyanide	0.005	---	Mercury	0.01(t)
	Nitrate	100	---	Molybdenum	---
	Nitrite	---	0.05	Nickel	TVS
	Phosphorus	---	0.17	Selenium	TVS
	Sulfate	---	---	Silver	TVS
	Sulfide	---	0.002	Uranium	---
				Zinc	TVS

REGULATION #33 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

Yampa River Basin

13j. Mainstem of Grassy Creek, including all tributaries and wetlands, from the confluence with Scotchmans Gulch to the confluence with the Yampa River near Hayden.						
COUCYA13J	Classifications	Physical and Biological			Metals (ug/L)	
Designation	Agriculture		DM	MWAT	acute	chronic
UP	Aq Life Warm 2	Temperature °C	WS-II	WS-II	Aluminum	---
	Recreation N		acute	chronic	Arsenic	340
Qualifiers:		D.O. (mg/L)	---	5.0	Beryllium	---
Other:		pH	6.5 - 9.0	---	Cadmium	TVS
		chlorophyll a (mg/m ²)	---	---	Chromium III	TVS
		E. Coli (per 100 mL)	---	630	Chromium VI	TVS
		Inorganic (mg/L)			Copper	TVS
			acute	chronic	Iron	---
		Ammonia	TVS	TVS	Lead	TVS
		Boron	---	0.75	Manganese	TVS
		Chloride	---	---	Mercury	---
		Chlorine	0.019	0.011	Molybdenum	---
		Cyanide	0.005	---	Nickel	TVS
		Nitrate	100	---	Selenium	3/1-6/30 TVSvaries*
		Nitrite	---	0.05	Silver	TVS
		Phosphorus	---	0.17	Uranium	---
		Sulfate	---	---	Zinc	TVS
		Sulfide	---	0.002		

*Selenium(acute) = See section 33.6(4) for ~~selenium~~ site-specific standards and assessment locations.

*Selenium(chronic) = See section 33.6(4) for ~~selenium~~ site-specific standards and assessment locations.

EXHIBIT 7
TRI-STATE GENERATION AND TRANSMISSION ASSOCIATION, INC.

DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT

Water Quality Control Commission

REGULATION NO. 37 - CLASSIFICATIONS AND NUMERIC STANDARDS FOR LOWER COLORADO RIVER BASIN

5 CCR 1002-37

37.6 TABLES

...

(4) Assessment Criteria

...

(c) Lower Colorado Segment 4e Iron Standards and Assessment

Unnamed Tributary, Iron (chronic) = 3500 (T) µg/L, assessment location as follows:

- UT-2: Unnamed Tributary, immediately downstream of the Tri-State Rifle Station discharge (39.519572, -107.729424)

Dry Creek and remaining tributaries and wetlands, Iron (chronic) = 5900 (T) µg/L, assessment location as follows:

- DC-2: Dry Creek, downstream of dry tributary channel entering from the east from the Garfield County Airport (39.523944, -107.73496)

....

37.39 STATEMENT OF BASIS, SPECIFIC STATUTORY AUTHORITY AND PURPOSE; DECEMBER 11, 2017 RULEMAKING; FINAL ACTION JANUARY 8, 2018; EFFECTIVE DATE JUNE 30, 2018

The provisions of C.R.S. 25-8-202(1)(a), (b) and (2); 25-8-203; 25-8-204; and 25-8-402; provide the specific statutory authority for adoption of these regulatory amendments. The commission also adopted in compliance with 24-4-103(4) C.R.S. the following statement of basis and purpose.

BASIS AND PURPOSE

Lower Colorado River Segment 4e: temporary modifications of the iron (expire 12/31/2018) and copper (expire 12/31/2019) standards on Lower Colorado Segment 4e were reviewed. The Commission deleted the iron temporary modification and adopted site-specific iron standards based on the evidence submitted

by Tri-State Generation and Transmission Association, Inc. Tri-State also presented evidence that it is making progress on the plan for eliminating the need for the copper temporary modification.

IRON

Tri-State submitted sufficient data and justification to support two ambient-based site-specific total recoverable iron standards for Segment 4e: one based on data from the Unnamed Tributary (Site UT-2) located immediately below Tri-State Rifle Station's discharge, and one based on data from a downstream site on Dry Creek (Site DC-2), the furthest downstream sample site. Data were included from samples taken at times when no discharge from the Rifle Station was occurring to represent the natural iron concentrations. These data indicated that natural sources of ambient iron present within the Dry Creek watershed are driving the instream concentrations of total recoverable iron detected at sample locations downstream of the Tri-State Rifle Station. The Commission adopted a standard of 3500 µg/L for the Unnamed Tributary, and a standard of 5900 µg/L for the remaining parts of the segment, as a conservative approach based on background conditions. Evidence submitted by Tri-State demonstrated that ambient iron concentrations were not inhibiting the attainment of the limited aquatic use. Therefore, ambient iron concentrations provide a reasonable basis for site-specific standards, which are expected to protect the aquatic community.

The Commission specified assessment locations for the two iron standards at section 37.6(4)(c) to ensure that future assessment is consistent with the methods used to derive the standards.

The Commission removed the temporary modification for iron of "current condition" that had previously been in place for Lower Colorado Segment 4e.

COPPER

The Commission considered the temporary modification for copper for Lower Colorado Segment 4e. Tri-State continues to make progress on the temporary modification of the copper standard, and plans to propose standards at the June 2019 basin rulemaking.

**COLORADO DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT
WATER QUALITY CONTROL COMMISSION**

5 CCR 1002-37

**REGULATION NO. 37
CLASSIFICATIONS AND NUMERIC STANDARDS
FOR
LOWER COLORADO RIVER BASIN**

**APPENDIX 37-1
Stream Classifications and Water Quality Standards Tables**

Effective 06/30/~~2017~~2018

REGULATION #37 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

Lower Colorado River

4e. Mainstem of Dry Creek including all tributaries and wetlands from the source to immediately above the Last Chance Ditch.						
COLCLC04E	Classifications	Physical and Biological			Metals (ug/L)	
Designation	Agriculture		DM	MWAT	acute	chronic
UP	Aq Life Cold 2	Temperature °C	CS-II	CS-II	Aluminum	---
	Recreation N		acute	chronic	Arsenic	340
Qualifiers:		D.O. (mg/L)	---	5.0	Beryllium	---
Other:		pH	6.5 - 9.0	---	Cadmium	TVS
Temporary Modification(s):		chlorophyll a (mg/m²)	---	---	Chromium III	TVS
Copper(ac/ch) = current conditions		E. Coli (per 100 mL)	---	630	Chromium III	---
Expiration Date of 12/31/2019		Inorganic (mg/L)			Chromium VI	TVS
Iron(chronic) = current conditions			acute	chronic	Copper	TVS
Expiration Date of 12/31/2018		Ammonia	TVS	TVS	Iron	---
*Iron(chronic) = See section 37.6(4) for iron assessment locations.		Boron	---	0.75	Iron	---
*Iron(chronic) = 3500 (T) ug/L on Unnamed Tributary. See section 37.6(4) for iron assessment locations.		Chloride	---	---	Lead	TVS
*Phosphorus(chronic) = applies only above the facilities listed at 37.5(4).		Chlorine	0.019	0.011	Manganese	TVS
		Cyanide	0.005	---	Mercury	---
		Nitrate	100	---	Molybdenum	---
		Nitrite	---	0.05	Nickel	TVS
		Phosphorus	---	0.11*	Selenium	TVS
		Sulfate	---	---	Silver	TVS
		Sulfide	---	0.002	Uranium	---
					Zinc	TVS

Notice of Proposed Rulemaking

Tracking number

2017-00350

Department

1000 - Department of Public Health and Environment

Agency

1002 - Water Quality Control Commission (1002 Series)

CCR number

5 CCR 1002-38

Rule title

REGULATION NO. 38 - CLASSIFICATIONS AND NUMERIC STANDARDS SOUTH PLATTE RIVER BASIN LARAMIE RIVER BASIN REPUBLICAN RIVER BASIN SMOKY HILL RIVER BASIN

Rulemaking Hearing**Date**

12/11/2017

Time

11:45 AM

Location

Sabin Conference Room, CDPHE, 4300 Cherry Creek Drive South, Denver, CO 80246

Subjects and issues involved

proposed correction of typos formatting and other non-substantive edits.

Statutory authority

sections 25-8-202(1)(a), (b), and (2); 25-8-203; 25-8-204; and 25-8-402, C.R.S.

Contact information**Name**

Blake Beyea

Title

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COLORADO

Water Quality
Control Commission

Department of Public Health & Environment

NOTICE OF PUBLIC RULEMAKING HEARING BEFORE THE COLORADO WATER QUALITY CONTROL COMMISSION

SUBJECT:

For consideration of the adoption of revisions to correct typos, formatting and other non-substantive edits, in the Basic Standards and Methodologies for Surface Water, Regulation #31 (5 CCR 1002-31), and in multiple segments of the Classifications and Numeric Standards for:

- Arkansas River Basin, Regulation #32 (5 CCR 1002-32);
- Rio Grande Basin, Regulation #36 (5 CCR 1002-36); and
- South Platte River Basin, Laramie River Basin, Republican River Basin, Smoky Hill River Basin, Regulation #38 (5 CCR 1002-38).

Revisions proposed by the Water Quality Control Division (division), along with proposed Statements of Basis, Specific Statutory Authority and Purpose, are attached to this notice as Exhibits 1 through 4.

In these attachments, proposed new language is shown with double-underlining and proposed deletions are shown with ~~strikeouts~~. Any alternative proposals related to the subject of this hearing will also be considered.

During the commission's consideration of whether to approve this notice of rulemaking, the commission determined that there is not a likelihood of significant controversy during the rulemaking process. Therefore, the commission has chosen to pursue an alternative rulemaking process consistent with section 24-4-103(4)(a) C.R.S.; and section 21.3(C)(5) of the Procedural Rules. It is the goal of the commission to complete this rulemaking without oral testimony.

SCHEDULE OF IMPORTANT DATES

Written comments due	11/29/2017 5 pm	Additional information below.
Rulemaking Hearing	12/11/2017 11:45 am	Florence Sabin Conference Room Department of Public Health and Environment 4300 Cherry Creek Drive South Denver, CO 80246

HEARING SUBMITTALS:

For this hearing, the commission will receive all submittals electronically. Submittals must be provided as PDF documents, except for raw data exhibits which may be provided as Excel workbooks. Submittals may be emailed to cdphe.wqcc@state.co.us, provided via an FTP site,

CD or flash drive, or otherwise conveyed to the commission office so as to be received no later than the specified date.

PARTY STATUS:

Pursuant to section 21.3(D) of the commission's Procedural Rules, there shall be no party status for this rulemaking proceeding.

WRITTEN COMMENTS:

The commission encourages input from interested members of the public. Written comments should be emailed to cdphe.wqcc@state.co.us by November 29, 2017.

SPECIFIC STATUTORY AUTHORITY:

The provisions of sections 25-8-202(1)(a), (b), and (2); 25-8-203; 25-8-204; and 25-8-402, C.R.S., provide the specific statutory authority for consideration of the regulatory amendments proposed by this notice. Should the commission adopt the regulatory language as proposed in this notice or alternative amendments, it will also adopt, in compliance with section 24-4-103(4) C.R.S., an appropriate Statement of Basis, Specific Statutory Authority, and Purpose.

Dated this 8th day of August, 2017 at Denver, Colorado.

WATER QUALITY CONTROL COMMISSION



Digitally signed by Trisha Oeth
DN: cn=Trisha Oeth, o, ou=Water
Quality Control Commission,
email=trisha.oeth@state.co.us, c=US
Date: 2017.08.08 08:21:49 -06'00'

Trisha Oeth, Administrator

EXHIBIT 1
WATER QUALITY CONTROL DIVISION

DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT

Water Quality Control Commission

REGULATION NO. 31 – THE BASIC STANDARDS AND METHODOLOGIES FOR SURFACE WATER

5 CCR 1002-31

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31.16 TABLES

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TABLE I – PHYSICAL AND BIOLOGICAL PARAMETERS

TABLE I PHYSICAL AND BIOLOGICAL PARAMETERS								
Parameter	Recreational			Aquatic Life			Agriculture	Domestic Water Supply
	CLASS E (Existing Primary Contact) and CLASS U (Undetermined Use)	CLASS P (Potential Primary Contact Use)	CLASS N (Not Primary Contact Use)	CLASS 1 COLD WATER BIOTA	CLASS 1 WARM WATER BIOTA	CLASS 2		
PHYSICAL								
...								
Temperature (°C) ⁽⁵⁾				Rivers & Streams: Tier I^{a,g}: June-Sept = 17.0 (ch), 21.7 (ac) Oct –May = 9.0 (ch), 13.0 (ac) Tier II^{b,g}: Apr-Oct = 18.3 (ch), 24.3 (ac) Nov-Mar = 9.0 (ch), 13.0 (ac) Lakes & Res^h: Apr-Dec = 17.0 (ch), 21.2 (ac) Jan-Mar = 9.0 (ch), 13.0 (ac) Large Lakes & Res^{c,h}: Apr-Dec = 18.3 (ch), 24.2 (ac) Jan-Mar = 9.0 (ch), 13.0 (ac)	Rivers & Streams: Tier I^d: Mar-Nov = 24.2 (ch), 29.0 (ac) Dec-Feb = 12.1 (ch), 24.6 (ac) Tier II^e: Mar-Nov = 27.5 (ch), 28.6 (ac) Dec-Feb = 13.8 (ch), 25.2 (ac) Tier III^f: Mar-Nov = 28.7 (ch), 31.8 (ac) Dec-Feb = 14.3 (ch), 24.9 (ac) Lakes & Res: Apr-Dec = 26.2 (ch), 29.3 (ac) Jan-Mar = 13.1 (ch), 24.1 (ac)	Same as Class 1		
...								
Note: Capital letters in parentheses refer to references listed in section 31.16(3); Numbers in parentheses refer to Table 1 footnotes.								
^a Cold Stream Tier I temperature criteria apply where cutthroat trout and brook trout are expected to occur. ^b Cold Stream Tier II temperature criteria apply where cold-water aquatic species, excluding cutthroat trout or brook trout, are expected to occur. ^c Large Cold Lakes temperature criteria apply to lakes and reservoirs with a surface area equal to or greater than 100 acres surface area. ^d Warm Stream Tier I temperature criteria apply where common shiner, johnny darter, or orangethroat darter, or stonecat are expected to occur. ^e Warm Stream Tier II temperature criteria apply where brook stickleback, central stoneroller, creek chub, finescale dace, longnose dace, mountain sucker, northern redbelly dace, razorback sucker, or white sucker are expected occur, and none of the more thermally sensitive species in Tier I are expected to occur. ^f Warm Stream Tier III temperature criteria apply where warm-water aquatic species are expected to occur, and none of the more thermally sensitive species in Tiers I and II are expected to occur. ^g Mountain whitefish-based summer temperature criteria [16.9 (ch), 21.2 (ac)] apply when and where spawning and sensitive early life stages of this species are known to occur. ^h Lake trout-based summer temperature criteria [16.6 (ch), 22.4 (ac)] apply where appropriate and necessary to protect lake trout from thermal impacts.								

31.56 STATEMENT OF BASIS SPECIFIC STATUTORY AUTHORITY AND PURPOSE; DECEMBER 11, 2017 RULEMAKING; FINAL ACTION DECEMBER 11, 2017; EFFECTIVE DATE JANUARY 31, 2018

The provisions of C.R.S. 25-8-202(1)(a), (b) and (2); 25-8-203; 25-8-204; and 25-8-402; provide the specific statutory authority for adoption of these regulatory amendments. The commission also adopted, in compliance with 24-4-103(4) C.R.S., the following statement of basis and purpose.

BASIS AND PURPOSE

In this hearing, the commission made a correction to Regulation No. 31. A typographical error has been identified that does not reflect the commission's intended decisions from a recent hearing.

When the temperature standards were updated in June 2015, a typo was introduced in Table I – Physical and Biological Parameters, Footnote e. The commission corrected the spelling of northern redbelly dace in the species list included in Footnote e.

EXHIBIT 2
WATER QUALITY CONTROL DIVISION

DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT

Water Quality Control Commission

REGULATION NO. 32 – CLASSIFICATIONS AND NUMERIC STANDARDS FOR ARKANSAS RIVER
BASIN

5 CCR 1002-32

....

**32.59 STATEMENT OF BASIS SPECIFIC STATUTORY AUTHORITY AND PURPOSE; DECEMBER
11, 2017 RULEMAKING; FINAL ACTION DECEMBER 11, 2017; EFFECTIVE DATE JANUARY
31, 2018**

The provisions of C.R.S. 25-8-202(1)(a), (b) and (2); 25-8-203; 25-8-204; and 25-8-402; provide the specific statutory authority for adoption of these regulatory amendments. The commission also adopted, in compliance with 24-4-103(4) C.R.S., the following statement of basis and purpose.

BASIS AND PURPOSE

In this hearing, the commission made a correction to Regulation No. 32. A typographical error has been identified that does not reflect the commission's intended decisions from a past hearing.

The commission corrected the spelling of North Rush Creek, which is included in the description of Lower Arkansas Segment 9b.

**COLORADO DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT
WATER QUALITY CONTROL COMMISSION**

5 CCR 1002-32

**REGULATION NO. 32
CLASSIFICATIONS AND NUMERIC STANDARDS
FOR
ARKANSAS RIVER BASIN**

**APPENDIX 32-1
Stream Classifications and Water Quality Standards Tables**

Effective ~~06/30/2017~~ 01/31/2018

REGULATION #32 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

Lower Arkansas River Basin

9b. Mainstem of Apache Creek from the source to the confluence with the North Rusk Creek. Mainstem of Breckenridge Creek from the source to the confluence with Horse Creek. Mainstem of Little Horse Creek from the source to the confluence with Horse Creek. Mainstem of Bob Creek from the source to Meredith Reservoir. Mainstem of Big Sandy Creek within Prowers County. Mainstem of Rule Creek from the Bent/Las Animas county line to John Martin Reservoir. Mainstem of Muddy Creek from the south boundary of the Setchfield State Wildlife Area to the confluence with Rule Creek. Mainstem of Caddoa Creek from CC Road to the confluence with the Arkansas River. Mainstem of Cat Creek from the source to the confluence with Clay Creek. Mainstem of Mustang Creek from the source to the confluence with Apishapa River. Mainstem of Chicosa Creek from the source to the Arkansas River. Mainstem of Smith Canyon from the Otero/Las Animas county line to the confluence with the Purgatoire River. Mainstem of Mud Creek from V Road to the confluence with the Arkansas River. Mainstems of Frijole Creek and Luning Arroyo from their sources to their confluences with the Purgatoire River. Mainstem of Blackwell Arroyo from its source to the confluence with Luning Arroyo. Mainstem of San Isidro Creek from the source to the confluence with San Francisco Creek.

COARLA09B Classifications		Physical and Biological		Metals (ug/L)	
Designation		DM	MWAT	acute	chronic
UP	Agriculture				
	Aq Life Warm 2	Temperature °C	WS-II	Aluminum	---
	Recreation E			Arsenic	340
	Water Supply			Beryllium	0.02-10(T)
Qualifiers:		D.O. (mg/L)	---	Cadmium	---
Other:		pH	6.5 - 9.0	Chromium III	TVS
		chlorophyll a (mg/m2)	---	Chromium VI	TVS
		E. Coli (per 100 mL)	---	Copper	TVS
		Inorganic (mg/L)		Iron	TVS
				Iron	WS
				Lead	---
				Manganese	TVS
				Manganese	TVS
				Mercury	WS
				Mercury	---
				Molybdenum	0.01(t)
				Nickel	---
				Nickel	160(T)
				Selenium	TVS
				Silver	TVS
				Uranium	TVS
				Zinc	---
				Zinc	TVS

All metals are dissolved unless otherwise noted.
T = total recoverable
t = total
tr = trout

D.O. = dissolved oxygen
DM = daily maximum
MWAT = maximum weekly average temperature
See 32.6 for details on TVS, TVS(tr), WS, temperature standards.

EXHIBIT 3

WATER QUALITY CONTROL DIVISION

DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT

Water Quality Control Commission

REGULATION NO. 36 – CLASSIFICATIONS AND NUMERIC STANDARDS FOR RIO GRANDE BASIN

5 CCR 1002-36

....

36.6 TABLES

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(4) Additional Site-Specific Criteria

....

(c) Site-specific standards and temporary modifications for Rio Grande Segment 7:

Standards effective through 12/31/2018

Cadmium(acute/chronic)=TVS
Copper(acute/chronic)=TVS
Lead(acute/~~chromium~~chronic)=TVS
Manganese(acute/chronic)=TVS
Silver(acute)=TVS
Zinc(acute/chronic)=TVS

Tier 1 standards effective 1/1/2019 through 12/31/2020

West Willow

Cadmium(acute/chronic)=163 / 21 ug/L
Copper(acute/chronic)=227 / 8.9 ug/L
Lead(acute/~~chromium~~chronic)=1,014 / 104 ug/L
Manganese(acute/chronic)=TVS
Silver(acute)=1.3 ug/L
Zinc(acute/chronic)=24,000 / 5,977 ug/L

Windy Gulch

Cadmium(acute/chronic)=9.1 / 6.3 ug/L
Copper(acute/chronic)=TVS / 5.8 ug/L
Lead(acute/~~chromium~~chronic)=TVS
Manganese(acute/chronic)=TVS
Silver(acute)=TVS
Zinc(acute/chronic)=2,804 / 1,914 ug/L

Willow mainstem

Low flow (August-March):

Cadmium(acute/chronic)=17.5 / 15.4 ug/L
Copper(acute/chronic)=TVS
Lead(acute/~~chromium~~chronic)=TVS / 30 ug/L
Manganese(acute/chronic)=TVS
Silver(acute)=TVS
Zinc(acute/chronic)=4,541 / 3,917 ug/L

High flow (April-July):

Cadmium(acute/chronic)=15.6 / 10.3 ug/L
Copper(acute/chronic)=TVS
Lead(acute/~~chromium~~chronic)=TVS / 22 ug/L
Manganese(acute/chronic)=TVS
Silver(acute)=TVS
Zinc(acute/chronic)=4,190 / 3,009 ug/L

Tier 2 standards effective from 1/1/2021

West Willow

Low flow (August-March):

Cadmium(acute/chronic)=67 / 50 ug/L
Copper(acute/chronic)=17.6 / 15.0 ug/L
Lead(acute/~~chromium~~chronic)=268 / 183 ug/L
Manganese(acute/chronic)=TVS / 1,779 ug/L
Silver(acute)=TVS
Zinc(acute/chronic)=11,873 / 11,022 ug/L

High flow (April-July):

Cadmium(acute/chronic)=32 / 19.2 ug/L
Copper(acute/chronic)=15.0 / 9.4 ug/L
Lead(acute/~~chromium~~chronic)=103 / 47 ug/L
Manganese(acute/chronic)=TVS
Silver(acute)=TVS
Zinc(acute/chronic)=8,772 / 5,611 ug/L

Windy Gulch

Cadmium(acute/chronic)=9.1 / 6.3 ug/L
Copper(acute/chronic)=TVS / 5.8 ug/L
Lead(acute/~~chromium~~chronic)=TVS
Manganese(acute/chronic)=TVS
Silver(acute)=TVS
Zinc(acute/chronic)=2,804 / 1,914 ug/L

Willow mainstem

Low flow (August-March):

Cadmium(acute/chronic)=13.9 / 11.2 ug/L
Copper(acute/chronic)=TVS
Lead(acute/~~chromium~~chronic)=TVS / 18.6 ug/L
Manganese(acute/chronic)=TVS
Silver(acute)=TVS
Zinc(acute/chronic)=2,521 / 1,733 ug/L

High flow (April-July):
Cadmium(acute/chronic)=14.5 / 8.9 ug/L
Copper(acute/chronic)=TVS
Lead(acute/~~chromium~~chronic)=TVS / 13.1 ug/L
Manganese(acute/chronic)=TVS
Silver(acute)=TVS
Zinc(acute/chronic)=3,635 / 2,373 ug/L

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36.40 STATEMENT OF BASIS SPECIFIC STATUTORY AUTHORITY AND PURPOSE; DECEMBER 11, 2017 RULEMAKING; FINAL ACTION DECEMBER 11, 2017; EFFECTIVE DATE JANUARY 31, 2018

The provisions of C.R.S. 25-8-202(1)(a), (b) and (2); 25-8-203; 25-8-204; and 25-8-402; provide the specific statutory authority for adoption of these regulatory amendments. The commission also adopted, in compliance with 24-4-103(4) C.R.S., the following statement of basis and purpose.

BASIS AND PURPOSE

In this hearing, the commission made corrections to Regulation No. 36. Several errors have been identified which do not reflect the commission's intended decisions from recent hearings.

A. Section 36.6(4)(c)

The commission corrected a series of typos in Section 36.6(4)(c). Several of the lead values were erroneously written "acute/chromium"; the commission replaced the word "chromium" with the word "chronic".

B. Alamosa Segment 28

The commission made corrections to the description of Alamosa Segment 28. A typo was corrected and Alamosa Segment 30 was added as an exception.

C. Alamosa Segment 29

The commission made a correction to the description of Alamosa Segment 29. Alamosa Segment 8 was added as an exception.

D. Closed Basin Segment 3

The commission made a correction to the description of Closed Basin Segment 3. Closed Basin Segment 1 was added as an exception.

E. Closed Basin Segment 9a

The commission made corrections to the description of Closed Basin Segment 9a. The extra "tributaries and wetlands" was removed. In addition, the description of the start of the segment was corrected to "a point immediately above the Cocomongo Mill site" instead of "the source".

**COLORADO DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT
WATER QUALITY CONTROL COMMISSION**

5 CCR 1002-36

**REGULATION NO. 36
CLASSIFICATIONS AND NUMERIC STANDARDS
FOR
RIO GRANDE BASIN**

**APPENDIX 36-1
Stream Classifications and Water Quality Standards Tables**

Effective ~~06/30/2017~~ 01/31/2018

REGULATION #36 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

Alamosa River/La Jara Creek/Conejos River Basins

28. All lakes and reservoir tributary to the Alamosa River, La Jara Creek, or Conejos River, and within the boundaries of the Rio Grande National Forest, excluding the specific listings in segments 23 through 27, and 30.

CORGAL28	Classifications	Physical and Biological		Metals (ug/L)			
Designation	Agriculture	DM	MWAT	acute	chronic		
Reviewable	Aq Life Cold 1	Temperature °C	CL	CL	Aluminum	---	---
	Recreation E	acute	chronic	Arsenic	340	0.02(T)	
	Water Supply	D.O. (mg/L)	---	6.0	Beryllium	---	---
Qualifiers:		D.O. (spawning)	---	7.0	Cadmium	TVS(tr)	TVS
Other: *chlorophyll a (ug/L)(chronic) = applies only to lakes and reservoirs larger than 25 acres surface area. *Phosphorus(chronic) = applies only to lakes and reservoirs larger than 25 acres surface area.		pH	6.5 - 9.0	---	Chromium III	50(T)	TVS
		chlorophyll a (ug/L)	---	8*	Chromium VI	TVS	TVS
		E. Coli (per 100 mL)	---	126	Copper	TVS	TVS
		Inorganic (mg/L)		Iron	---	WS	
				Iron	---	1000(T)	
			acute	chronic	Lead	TVS	TVS
		Ammonia	TVS	TVS	Manganese	TVS	TVS
		Boron	---	0.75	Manganese	---	WS
		Chloride	---	250	Mercury	---	0.01(t)
		Chlorine	0.019	0.011	Molybdenum	---	160(T)
		Cyanide	0.005	---	Nickel	TVS	TVS
		Nitrate	10	---	Selenium	TVS	TVS
		Nitrite	---	0.05	Silver	TVS	TVS(tr)
		Phosphorus	---	0.025*	Uranium	---	---
		Sulfate	---	WS	Zinc	TVS	TVS
Sulfide	---	0.002					

29. All lakes and reservoirs tributary to the Alamosa River, La Jara Creek, or Conejos River, excluding the specific listings in segments 8, 23 through 28, and 30.

CORGAL29	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture	DM		MWAT	acute		chronic
UP	Aq Life Warm 2	Temperature °C	WL	WL	Aluminum	---	---
	Recreation E	acute		chronic	Arsenic	340	100(T)
Qualifiers:		D.O. (mg/L)	---	5.0	Beryllium	---	---
Other: *chlorophyll a (ug/L)(chronic) = applies only to lakes and reservoirs larger than 25 acres surface area. *Phosphorus(chronic) = applies only to lakes and reservoirs larger than 25 acres surface area.		pH	6.5 - 9.0	---	Cadmium	TVS(tr)	TVS
		chlorophyll a (ug/L)	---	20*	Chromium III	TVS	TVS
		E. Coli (per 100 mL)	---	126	Chromium III	---	100(T)
		Inorganic (mg/L)			Chromium VI	TVS	TVS
		acute		chronic	Copper	TVS	TVS
		Ammonia	TVS	TVS	Iron	---	1000(T)
		Boron	---	0.75	Lead	TVS	TVS
		Chloride	---	---	Manganese	TVS	TVS
		Chlorine	0.019	0.011	Mercury	---	0.01(T)
		Cyanide	0.005	---	Molybdenum	---	160(T)
		Nitrate	100	---	Nickel	TVS	TVS
		Nitrite	---	0.05	Selenium	TVS	TVS
		Phosphorus	---	0.083*	Silver	TVS	TVS(tr)
		Sulfate	---	---	Uranium	---	---
		Sulfide	---	0.002	Zinc	TVS	TVS

All metals are dissolved unless otherwise noted.
 T = total recoverable
 t = total
 tr = trout

D.O. = dissolved oxygen
 DM = daily maximum
 MWAT = maximum weekly average temperature
 See 36.6 for details on TVS, TVS(tr), WS, temperature standards.

REGULATION #36 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

Closed Basin-San Luis Valley River Basin

3. All tributaries to the Closed Basin excluding the listings in segments 1, 2a, 2b, 2c, and 4 through 13.

CORGC03	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture		DM	MWAT		acute	chronic
Reviewable	Aq Life Warm 1	Temperature °C	WS-II	WS-II	Aluminum	---	---
	Recreation E		acute	chronic	Arsenic	340	0.02(T)
	Water Supply	D.O. (mg/L)	---	5.0	Beryllium	---	---
Qualifiers:		pH	6.5 - 9.0	---	Cadmium	TVS	TVS
Other: Temporary Modification(s): Arsenic(chronic) = hybrid Expiration Date of 12/31/2021 *chlorophyll a (mg/m2)(chronic) = applies only above the facilities listed at 36.5(4). *Phosphorus(chronic) = applies only above the facilities listed at 36.5(4).		chlorophyll a (mg/m2)	---	150*	Chromium III	50(T)	TVS
		E. Coli (per 100 mL)	---	126	Chromium VI	TVS	TVS
		Inorganic (mg/L)			Copper	TVS	TVS
			acute	chronic	Iron	---	WS
		Ammonia	TVS	TVS	Iron	---	1000(T)
		Boron	---	0.75	Lead	TVS	TVS
		Chloride	---	250	Manganese	TVS	TVS
		Chlorine	0.019	0.011	Manganese	---	WS
		Cyanide	0.005	---	Mercury	---	0.01(t)
		Nitrate	10	---	Molybdenum	---	160(T)
		Nitrite	---	0.05	Nickel	TVS	TVS
		Phosphorus	---	0.17*	Selenium	TVS	TVS
		Sulfate	---	WS	Silver	TVS	TVS
		Sulfide	---	0.002	Uranium	---	---
					Zinc	TVS	TVS

9a. Mainstem, ~~tributaries and wetlands~~ of Kerber Creek, including all tributaries and wetlands, from a point immediately above the Cocomongo Mill site the source to immediately above the confluence of Brewery Creek, excluding the specific listings in segment 8.

CORGCB09A	Classifications	Physical and Biological		Metals (ug/L)	
Designation	Agriculture	DM	MWAT	acute	chronic
UP	Recreation E			Aluminum	---
	Water Supply	acute	chronic	Arsenic	340 0.02-10(T) ^A
Qualifiers:	D.O. (mg/L)	---	3.0	Beryllium	---
Goal Qualifier for Agriculture and Water Supply	pH	6.5 - 9.0	---	Cadmium	5.0(T) ---
Other:	chlorophyll a (mg/m2)	---	150	Chromium III	50(T) ---
	E. Coli (per 100 mL)	---	126	Chromium VI	50(T) ---
	Inorganic (mg/L)			Copper	--- 1000(T)
		acute	chronic	Iron	--- WS
	Ammonia	---	---	Lead	50(T) ---
	Boron	---	0.75	Manganese	--- WS
	Chloride	---	250	Mercury	--- 2.0(t)
	Chlorine	---	---	Molybdenum	--- 160(T)
	Cyanide	---	---	Nickel	--- ---
	Nitrate	10	---	Selenium	--- 20(T)
	Nitrite	---	1.0	Silver	--- 50(T)
	Phosphorus	---	---	Uranium	--- ---
	Sulfate	---	WS	Zinc	--- 5000(T)
	Sulfide	---	0.002		

All metals are dissolved unless otherwise noted.
T = total recoverable
t = total
tr = trout

D.O. = dissolved oxygen
DM = daily maximum
MWAT = maximum weekly average temperature
See 36.6 for details on TVS, TVS(tr), WS, temperature standards.

EXHIBIT 4

WATER QUALITY CONTROL DIVISION

DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT

Water Quality Control Commission

REGULATION NO. 38 – CLASSIFICATIONS AND NUMERIC STANDARDS FOR SOUTH PLATTE RIVER BASIN, LARAMIE RIVER BASIN, REPUBLICAN RIVER BASIN, SMOKY HILL RIVER BASIN

5 CCR 1002-38

....

38.96 STATEMENT OF BASIS SPECIFIC STATUTORY AUTHORITY AND PURPOSE; DECEMBER 11, 2017 RULEMAKING; FINAL ACTION DECEMBER 11, 2017; EFFECTIVE DATE JANUARY 31, 2018

The provisions of C.R.S. 25-8-202(1)(a), (b) and (2); 25-8-203; 25-8-204; and 25-8-402; provide the specific statutory authority for adoption of these regulatory amendments. The commission also adopted, in compliance with 24-4-103(4) C.R.S., the following statement of basis and purpose.

BASIS AND PURPOSE

In this hearing, the commission made corrections to Regulation No. 38. Several errors have been identified which do not reflect the commission's intended decisions from recent hearings.

A. South Platte Segment 16i

The commission made corrections to the standards applied to Upper South Platte Segment 16i. This segment currently has Agriculture, Aquatic Life Warm 2, and Recreation E uses, and a Fish Ingestion Standards qualifier. However, several Water Supply standards (cadmium, chromium III, lead, and nickel) were erroneously assigned to this segment. Because this segment does not have a Water Supply use, the commission deleted the Water Supply-based standards for cadmium, chromium III, lead, and nickel, and retained the standards to protect Aquatic Life and Agriculture uses. The commission also corrected the chronic arsenic standard. Because this segment has a Fish Ingestion Standards qualifier, the commission replaced the existing Agriculture-based chronic arsenic standard of 100(T) µg/L with the Fish Ingestion-based chronic standard of 7.6(T) µg/L.

B. South Platte Segment 22a

The commission made a correction to the qualifiers on Upper South Platte Segment 22a. The commission replaced the "Fish Ingestion Standards" qualifier with the "Water + Fish Standards" qualifier because this segment has a Water Supply use.

C. Clear Creek Segment 3b

The commission made a correction to the standards applied to Clear Creek Segment 3b. The acute arsenic standard of 50(T) µg/L was intended to be deleted during the 2015 Regulation No. 38 hearing, but

was erroneously retained. The commission deleted the acute arsenic standard of 50(T) µg/L and retained the arsenic standards to protect the Aquatic Life and Water Supply uses.

D. Clear Creek Segments 6 and 21

The commission made a correction to the description of Clear Creek Segment 6. This segment included an exception for Segment 7; this was replaced with Segment 7a.

The commission made a correction to the description of Clear Creek Segment 21. This segment included an exception for Segment 7; this was replaced with Segment 7b.

**COLORADO DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT
WATER QUALITY CONTROL COMMISSION**

5 CCR 1002-38

**REGULATION NO. 38
CLASSIFICATIONS AND NUMERIC STANDARDS
FOR
SOUTH PLATTE RIVER BASIN, LARAMIE RIVER BASIN
REPUBLICAN RIVER BASIN, SMOKY HILL RIVER BASIN**

**APPENDIX 38-1
Stream Classifications and Water Quality Standards Tables**

Effective ~~06/30/2017~~ 01/31/2018

REGULATION #38 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

Upper South Platte River Basin

16i. Mainstem of Sand Creek from the confluence with Toll Gate Creek to the confluence with the South Platte River.						
COSPUS16i	Classifications	Physical and Biological			Metals (ug/L)	
Designation	Agriculture	DM		MWAT	acute	chronic
Reviewable	Aq Life Warm 2	WS-II		WS-II	Aluminum	---
	Recreation E	acute		chronic	Arsenic	340 7.6400(T)
Qualifiers:		D.O. (mg/L)	---	5.0	Beryllium	---
Fish Ingestion Standards		pH	6.5 - 9.0	---	Cadmium	TVS
Other:		chlorophyll a (mg/m ²)	---	150*	Cadmium	5.0(T) ---
		E. Coli (per 100 mL)	---	126	Chromium III	10050(T) TVS
		Inorganic (mg/L)			Chromium VI	TVS
		acute		chronic	Copper	TVS
		Ammonia	TVS	TVS	Iron	---
		Boron	---	0.75	Lead	TVS
		Chloride	---	---	Lead	50(T) ---
		Chlorine	0.019	0.011	Manganese	TVS
		Cyanide	0.005	---	Mercury	---
		Nitrate	10	---	Mercury	0.01(t)
		Nitrite	---	0.5	Molybdenum	---
		Phosphorus	---	0.17*	Nickel	TVS
		Sulfate	---	---	Nickel	--- 100(T)
		Sulfide	---	0.002	Selenium	---
					Selenium	varies*
					Silver	TVS
					Uranium	---
					Zinc	TVS

*chlorophyll a (mg/m²)(chronic) = applies only above the facilities listed at 38.5(4).
 *Phosphorus(chronic) = applies only above the facilities listed at 38.5(4).
 *Mercury(chronic) = 0.026 below Brighton Blvd, see section 38.6(4)(f) for mercury assessment locations
 *Selenium(acute) = See section 38.6(4)(f) for selenium standards and assessment locations.
 *Selenium(chronic) = See section 38.6(4)(f) for selenium standards and assessment locations.

Discharger Specific Variance(s):
 Selenium (acute) = TVS; no limit
 Selenium (chronic) = 9: 24 µg/L
 Expiration Date of 12/31/2023
 Variance: Selenium = see 38.6(6) for details.

All metals are dissolved unless otherwise noted.
 T = total recoverable
 t = total
 tr = trout

D.O. = dissolved oxygen
 DM = daily maximum
 MWAT = maximum weekly average temperature
 See 38.6 for details on TVS, TVS(tr), WS, temperature standards.

REGULATION #38 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

Upper South Platte River Basin

22a. Lakes and reservoirs in watersheds tributary to the South Platte River from the outlet of Chatfield Reservoir to a point immediately below the confluence with Big Dry Creek, except for specific listings in the subbasins of the South Platte River, and in Segments 16b, 17a, 17b, 17c, 22b, and 23.						
COSPUS22A	Classifications	Physical and Biological			Metals (ug/L)	
Designation		DM	MWAT		acute	chronic
Reviewable	Agriculture					
	Aq Life Warm 2	Temperature °C	WL	WL	Aluminum	---
	Recreation E		acute	chronic	Arsenic	340
	Water Supply	D.O. (mg/L)	---	5.0	Beryllium	---
	DUWS*	pH	6.5 - 9.0	---	Cadmium	TVS
Qualifiers:		chlorophyll a (ug/L)	---	---	Cadmium	5.0(T)
Water + Fish Ingestion Standards		E. Coli (per 100 mL)	---	126	Chromium III	50(T)
Other:		Inorganic (mg/L)		Chromium VI	TVS	TVS
Temporary Modification(s):			acute	chronic	Copper	TVS
Arsenic(chronic) = hybrid		Ammonia	TVS	TVS	Iron	---
Expiration Date of 12/31/2021		Boron	---	0.75	Iron	1000(T)
*Classification: DUWS applies to McLellan and Quincy only.		Chloride	---	250	Lead	TVS
*Molybdenum(chronic) = 210 ug/L for McLellan Reservoir		Chlorine	0.019	0.011	Lead	50(T)
		Cyanide	0.005	---	Manganese	TVS
		Nitrate	10	---	Manganese	---
		Nitrite	---	0.5	Mercury	---
		Phosphorus	---	---	Molybdenum	---
		Sulfate	---	WS	Molybdenum	210(T)*
		Sulfide	---	0.002	Nickel	TVS
					Nickel	---
					Selenium	TVS
					Silver	TVS
					Uranium	---
					Zinc	TVS

All metals are dissolved unless otherwise noted.
T = total recoverable
t = total
tr = trout

D.O. = dissolved oxygen
DM = daily maximum
MWAT = maximum weekly average temperature
See 38.6 for details on TVS, TVS(tr), WS, temperature standards.

REGULATION #38 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

Clear Creek Basin

3b. Mainstem of Leavenworth Creek from source to confluence with South Clear Creek.

COSPCL03B	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture	DM	MWAT		acute	chronic	
Reviewable*	Aq Life Cold 2	Temperature °C	CS-I	CS-I	Aluminum	---	---
	Recreation E	acute	chronic		Arsenic	340	0.02-10(T) ^A
	Water Supply	D.O. (mg/L)	---	6.0	Arsenic	50(T)	---
Qualifiers:		D.O. (spawning)	---	7.0	Beryllium	---	---
Other:		pH	6.5 - 9.0	---	Cadmium	TVS(tr)	TVS
		chlorophyll a (mg/m2)	---	150	Cadmium	5.0(T)	---
		E. Coli (per 100 mL)	---	126	Chromium III	50(T)	TVS
					Chromium VI	TVS	TVS
		Inorganic (mg/L)			Copper	TVS	TVS
		acute	chronic		Iron	---	WS
		Ammonia	TVS	TVS	Iron	---	1000(T)
		Boron	---	0.75	Lead	TVS	TVS
		Chloride	---	250	Lead	50(T)	---
		Chlorine	0.019	0.011	Manganese	TVS	TVS
		Cyanide	0.005	---	Manganese	---	WS
		Nitrate	10	---	Mercury	---	0.01(t)
		Nitrite	---	0.05	Molybdenum	---	150(T)
		Phosphorus	---	0.11	Nickel	TVS	TVS
		Sulfate	---	WS	Nickel	---	100(T)
		Sulfide	---	0.002	Selenium	TVS	TVS
					Silver	TVS	TVS(tr)
					Uranium	---	---
					Zinc	---	SSE*
					Zinc	SSE*	---

*Designation: 9/30/00 Baseline does not apply

*Zinc(acute) = $0.978e^{(0.8537[\ln(\text{hardness})]+1.9467)}$

*Zinc(chronic) =

$0.986e^{(0.8537[\ln(\text{hardness})]+1.8032)}$

6. All tributaries to West Fork Clear Creek, including all wetlands, from the source to the confluence with Clear Creek, except for specific listings in Segments 7a and 8.

COSPCL06	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture	DM	MWAT		acute	chronic	
Reviewable*	Aq Life Cold 1	Temperature °C	CS-I	CS-I	Aluminum	---	---
	Recreation E	acute	chronic		Arsenic	340	0.02(T)
	Water Supply	D.O. (mg/L)	---	6.0	Beryllium	---	---
Qualifiers:		D.O. (spawning)	---	7.0	Cadmium	TVS(tr)	TVS
Other:		pH	6.5 - 9.0	---	Cadmium	5.0(T)	---
		chlorophyll a (mg/m2)	---	150	Chromium III	50(T)	TVS
		E. Coli (per 100 mL)	---	126	Chromium VI	TVS	TVS
					Copper	TVS	TVS
		Inorganic (mg/L)			Iron	---	WS
		acute	chronic		Iron	---	1000(T)
		Ammonia	TVS	TVS	Lead	TVS	TVS
		Boron	---	0.75	Lead	50(T)	---
		Chloride	---	250	Manganese	TVS	TVS
		Chlorine	0.019	0.011	Manganese	---	WS
		Cyanide	0.005	---	Mercury	---	0.01(t)
		Nitrate	10	---	Molybdenum	---	150(T)
		Nitrite	---	0.05	Nickel	TVS	TVS
		Phosphorus	---	0.11	Nickel	---	100(T)
		Sulfate	---	WS	Selenium	TVS	TVS
		Sulfide	---	0.002	Silver	TVS	TVS(tr)
					Uranium	---	---
					Zinc	TVS	TVS

Temporary Modification(s):

Arsenic(chronic) = hybrid

Expiration Date of 12/31/2021

*Designation: 9/30/00 Baseline does not apply

All metals are dissolved unless otherwise noted.

T = total recoverable

t = total

tr = trout

D.O. = dissolved oxygen

DM = daily maximum

MWAT = maximum weekly average temperature

See 38.6 for details on TVS, TVS(tr), WS, temperature standards.

REGULATION #38 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

Clear Creek Basin

21. Lakes and reservoirs in the Clear Creek system from sources to the Farmer's Highline Canal diversion in Golden, CO, except as specified in Segments 7b, 20, 22 and 25. Upper Long Lake.

COSPCL21	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture	DM	MWAT	acute		chronic	
Reviewable*	Aq Life Cold 1	Temperature °C	CL	CL	Aluminum	---	---
	Recreation E	acute	chronic	Arsenic	340	0.02(T)	
	Water Supply	D.O. (mg/L)	---	6.0	Beryllium	---	---
Qualifiers:		D.O. (spawning)	---	7.0	Cadmium	TVS(tr)	TVS
Other: Temporary Modification(s): Arsenic(chronic) = hybrid Expiration Date of 12/31/2021 *chlorophyll a (ug/L)(chronic) = applies only to lakes and reservoirs larger than 25 acres surface area. *Designation: 9/30/00 Baseline does not apply *Phosphorus(chronic) = applies only to lakes and reservoirs larger than 25 acres surface area.		pH	6.5 - 9.0	---	Cadmium	5.0(T)	---
		chlorophyll a (ug/L)	---	8*	Chromium III	50(T)	TVS
		E. Coli (per 100 mL)	---	126	Chromium VI	TVS	TVS
					Copper	TVS	TVS
		Inorganic (mg/L)			Iron	---	WS
					Iron	---	1000(T)
		Ammonia	TVS	TVS	Lead	TVS	TVS
		Boron	---	0.75	Lead	50(T)	---
		Chloride	---	250	Manganese	TVS	TVS
		Chlorine	0.019	0.011	Manganese	---	WS
		Cyanide	0.005	---	Mercury	---	0.01(t)
		Nitrate	10	---	Molybdenum	---	150(T)
		Nitrite	---	0.05	Nickel	TVS	TVS
		Phosphorus	---	0.025*	Nickel	---	100(T)
		Sulfate	---	WS	Selenium	TVS	TVS
		Sulfide	---	0.002	Silver	TVS	TVS(tr)
					Uranium	---	---
			Zinc	TVS	TVS		

All metals are dissolved unless otherwise noted.
T = total recoverable
t = total
tr = trout

D.O. = dissolved oxygen
DM = daily maximum
MWAT = maximum weekly average temperature
See 38.6 for details on TVS, TVS(tr), WS, temperature standards.

Notice of Proposed Rulemaking

Tracking number

2017-00366

Department

1000 - Department of Public Health and Environment

Agency

1002 - Water Quality Control Commission (1002 Series)

CCR number

5 CCR 1002-55

Rule title

REGULATION NO. 55 - STATE FUNDED WATER AND WASTEWATER
INFRASTRUCTURE PROGRAMS

Rulemaking Hearing**Date**

11/13/2017

Time

09:00 AM

Location

Sabin Conference Room, CDPHE, 4300 Cherry Creek Drive South, Denver, CO 80246

Subjects and issues involved

Proposed revisions provide a transparent process for allocation and award of funds for a new program created by the General Assembly under HB17-1306 titled the "Safe Water in Schools Act," and increase the funding allocation for Category 1 projects to match the increased spending authority for the Water Quality Improvement Fund.

Statutory authority

Sections 25-8-202, 25-8-308, and 25-8-608, C.R.S.

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COLORADO

Water Quality
Control Commission

Department of Public Health & Environment

NOTICE OF PUBLIC RULEMAKING HEARING BEFORE THE COLORADO WATER QUALITY CONTROL COMMISSION

SUBJECT:

For consideration of the adoption of revisions to the State Funded Water and Wastewater Infrastructure Programs, Regulation #55 (5 CCR 1002-55). Revisions proposed by the Water Quality Control Division (division), along with a proposed Statement of Basis, Statutory Authority and Purpose are attached to this notice as Exhibit 1. The lead testing protocol and the ranking prioritization referenced in Exhibit 1 will be available for review on the commission's web around August 8, 2017.

In these attachments, proposed new language is shown with double-underlining and proposed deletions are shown with ~~strikeouts~~. Any alternative proposals related to the subject of this hearing will also be considered.

During the commission's consideration of whether to approve this notice of rulemaking, the commission determined that there is not a likelihood of significant controversy during the rulemaking process. Therefore, the commission has chosen to pursue an alternative rulemaking process consistent with section 24-4-103(4)(a) C.R.S.; and section 21.3(C)(5) of the Procedural Rules. It is the goal of the commission to complete this rulemaking without oral testimony.

SCHEDULE OF IMPORTANT DATES

Initial comments from division due	9/20/2017	Additional information below.
Responsive comments from public due	10/11/2017	Additional information below.
Rebuttal comments due	11/01/2017 5 pm	Additional information below.
Rulemaking Hearing	11/13/2017 9:00 am	El Paso County Centennial Hall Auditorium 200 South Cascade Ave. Colorado Springs, CO 80903

HEARING SUBMITTALS:

For this hearing, the commission will receive all submittals electronically. Submittals must be provided as PDF documents, except for raw data exhibits which may be provided as Excel workbooks. Submittals may be emailed to cdphe.wgcc@state.co.us, provided via an FTP site, CD or flash drive, or otherwise conveyed to the commission office so as to be received no later than the specified date.

PARTY STATUS:

Pursuant to section 21.3(D) of the commission's Procedural Rules, there shall be no party status for this rulemaking proceeding.

WRITTEN COMMENTS:

The commission encourages input from interested members of the public. Written comments should be emailed to cdphe.wqcc@state.co.us by November 1, 2017.

SPECIFIC STATUTORY AUTHORITY:

The provisions of sections 25-1.5-203, 25-1.5-208; 25-8-202(1)(g); 25-8-608(1.5 and 1.7); 25-8-608.5; and 25-8-608.7, C.R.S., provide the specific statutory authority for consideration of the regulatory amendments proposed by this notice. Should the commission adopt the regulatory language as proposed in this notice or alternative amendments, it will also adopt, in compliance with section 24-4-103(4) C.R.S., an appropriate Statement of Basis, Specific Statutory Authority, and Purpose.

Dated this 8th day of August, 2017 at Denver, Colorado.

WATER QUALITY CONTROL COMMISSION



Digitally signed by Trisha Oeth
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Trisha Oeth, Administrator

EXHIBIT 1

DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT

Water Quality Control Commission

REGULATION NO. 55 – STATE FUNDED WATER AND WASTEWATER INFRASTRUCTURE PROGRAMS

5 CCR 1002-55

55.1 AUTHORITY, SCOPE AND PURPOSE

(1) Water Quality Improvement Fund

House Bill 06-1337 created the Water Quality Improvement Fund codified in section 25-8-608, C.R.S., of the Colorado Water Quality Control Act. House Bill 11-1026 amended the statute to authorize grants for stormwater management training and best practices training to prevent or reduce the pollution of state waters. House Bill 17-1306 amended the statute to authorize grants for lead testing in public schools. Section 25-8-608(1.7)(c), C.R.S. provides the Water Quality Control Commission ("commission") with the authority to promulgate, implement and administer this regulation.

Funding is dependent upon annual appropriations by the Colorado General Assembly and is based on violations that were committed on or after May 26, 2006. The resulting penalties collected by the Water Quality Control Division ("division") are transmitted to the state treasurer for deposit to the credit of the fund.

The purpose of the fund is to improve water quality in Colorado by providing grant funds for water quality improvement projects and voluntary lead testing in public schools using civil penalties from water quality violations.

(2) Nutrients Management Grant Fund

During the 2013 legislative session the General Assembly created a new program under House Bill 13-1191 entitled the Nutrient Grant Fund. Codified in section 25-8-608.5, C.R.S., HB 13-1191 authorizes the commission to promulgate rules necessary to administer the program as an amendment to Regulation #55, the Water Quality Improvement Fund.

The purpose of the fund is to provide assistance to Phase One Domestic Wastewater Treatment Works as defined in Regulation #85.

(3) Natural Disaster Grant Fund

House Bill 14-1002 created the Natural Disaster Grant Fund to be codified in section 25-8-608.7, C.R.S. – concerning the establishment of a grant program under the Colorado Water Quality Control Act to repair water infrastructure impacted by a natural disaster. The purpose of the fund is to award grants to local governments, including local governments accepting grants on behalf of and in coordination with not-for-profit public water systems, under rules promulgated by the commission for the planning, design, construction, improvement, renovation or reconstruction of domestic wastewater treatment works and public drinking water systems that have been

impacted, damaged or destroyed in connection with a natural disaster. The division may only award grants to be used in counties for which the governor has declared a disaster emergency by executive order or proclamation under section 24-33.5-704, C.R.S.

Section 25-8-608.7(3), C.R.S. provides the Water Quality Control Commission with the authority to promulgate rules necessary to implement and administer the Natural Disaster Grant Fund.

(4) Small Communities Water and Wastewater Grant Fund

Senate Bill 14-025 revised and consolidated the Small Communities Water and Wastewater Grant Fund to be codified in section 25-1.5-208, C.R.S. – concerning the establishment of a grant program under the Colorado Water Quality Control Act to assist suppliers of water and domestic wastewater treatment works that serve a population of not more than five thousand people with meeting their responsibilities with respect to the protection of public health and water quality.

Continuous funding for the Small Communities Water and Wastewater Grant Fund is provided in section 39-29-109(2)(a)(III) C.R.S., through money transferred to the fund pursuant to section 39-29-109(2)(a)(II) C.R.S. and any other moneys transferred to the fund by the General Assembly. Moneys for the fund originate from the severance tax perpetual base fund, up to \$10 million, and will be applied to both drinking water projects and wastewater projects.

Section 25-1.5-208(2), C.R.S. provides the commission with the authority to promulgate rules necessary to implement and administer the Small Communities Water and Wastewater Grant Program.

55.2 DEFINITIONS

- (1) "Beneficial Use" - means the use of water treatment plant sludge in conjunction with wastewater treatment plant sludge to act as a soil conditioner or low grade fertilizer for the promotion of vegetative growth on land and that meets the requirements of the state Biosolids Regulations.
- (2) Best Management Practices" - means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to prevent or reduce the pollution of "state waters". Best Management Practices also include treatment requirements, operating procedures and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage.
- (3) "Consolidation" - means a proposed new construction or expansion of a drinking water supply system that will eliminate one or more existing water supply or treatment works. A letter of intent or a resolution adopted by the project participants must be provided to the division to guarantee the facilities will consolidate.
- (4) "Elementary school" – a public school that includes any or all of the following: preschool, kindergarten, and grades one through five.
- (54) "Governmental Agency" – means any municipality, regional commission, county (or county on behalf of unincorporated areas), metropolitan district offering sanitation service, sanitation district used for funding a domestic wastewater treatment works project, water and sanitation district, water conservancy district, metropolitan sewage disposal district, other special district used for funding a project under this regulation.
- (65) "Impacted Water Body" – means a water body in which the designated use(s) of recreation, aquatic life, water supply, agriculture, and/or wetlands have been affected by pollutants associated with a violation of the Act, permit, control regulation, or final cease and desist order or clean-up order.

- (76) "Nonpoint source" – means a diffused pollution source that is not regulated as a point source, including, but not limited to, sources that are often associated with agriculture, inactive or abandoned mining, silviculture, urban runoff, or runoff from construction activities. Nonpoint source pollution does not emanate from a discernible, confined, and discrete conveyance (such as a single pipe) but generally results from land runoff, precipitation, atmospheric deposition, or percolation.
- (87) "Pollution" – means the man-made, man-induced, or natural alteration of the physical, chemical, biological, and radiological integrity of water.
- (9) "Public school" – means a school that derives its support, in whole or in part, from moneys raised by a general state, county, or district tax. Public school includes a public school district; charter school, as that term is defined in section 22-30.5-103(2), C.R.S., including an institute charter school, as that term is defined in section 22-30.5-502 (6), C.R.S.; and a board of cooperative services, as that term is defined in section 22-5-103(2), C.R.S.
- (10) "Public water system" - a system for the provision to the public of water for human consumption through pipes or other constructed conveyances, if such system has at least fifteen service connections or regularly serves an average of at least 25 individuals daily at least 60 days per year. A public water system is either a community water system or a non-community water system. Such term does not include any special irrigation district. Such term includes: (a) Any collection, treatment, storage, and distribution facilities under control of the supplier of such system and used primarily in connection with such system. (b) Any collection or pretreatment storage facilities not under such control, which are used primarily in connection with such system.
- (118) "Waterborne Disease Outbreak" – means the significant occurrence of acute infectious illness, epidemiologically associated with the ingestion of water from a public water system which is deficient in treatment, as determined by the appropriate local or State agency.

55.3 WATER QUALITY IMPROVEMENT FUND CRITERIA

(1) Entity Eligibility

Entities eligible for grants in Categories 1 thru 4 include: 1) governmental agencies; 2) publicly owned water systems; 3) private not- for- profit public water systems; 4) not- for- profit watershed groups; 5) not- for- profit stormwater program administrator in accordance with 25-8-802 C.R.S.; 6) not- for- profit training provider; and 7) private landowners impacted by a water quality violation.

Entities eligible for grants in Category 5 include public schools that are not subject to the federal lead and copper rule, 40 CFR part 141, subpart I, and public schools that have not tested or are not in the process of testing their drinking water for lead.

Entities who pay a Colorado Water Quality Control Act civil penalty are prohibited from receiving a grant from this fund for a period of 5 years from the date of the payment of the penalty.

(2) Project Eligibility

As provided for under section 25-8-608 (1.7) (a), C.R.S., the fund will provide grants to the following project categories:

Category 1 – Stormwater management training and best management practices training to reduce the pollution of state waters.

Category 2 - Projects that improve the water quality in the community or water body which has been impacted by a water quality violation that resulted in a penalty being imposed.

Category 3 – Planning, design, construction, or repair of stormwater projects and domestic wastewater treatment facilities identified on the current fiscal year's Water Pollution Control Revolving Fund Intended Use Plan.

Category 4 - Nonfederal match funding for the current fiscal year's nonpoint source projects as approved by the commission.

Category 5 – Voluntary lead testing in public schools to detect the presence and concentration of lead in drinking water.

(3) Funding Allocation

All civil penalties collected by the division shall be transmitted to the state treasurer for deposit to the credit of the fund created by section 25-8-502, C.R.S., for violations committed on or after May 26, 2006 and shall be subject to annual appropriations by the Colorado General Assembly. The division will post on its web page a list of violators that have paid into the Water Quality Improvement Fund. The following allocations from the fund will be made:

Category 1 – for State Fiscal Year 2012-2013 the division will allocate up to \$150,000 of available funds with no one project initially receiving more than \$50,000. If the entire \$150,000 has not been fully utilized, the division will allocate the remaining Category 1 funds within the year per its prioritization procedures to eligible Category 1 project(s) which may result in certain projects ultimately receiving more than \$50,000.

For subsequent years thereafter, up to ~~\$50,000~~ \$100,000 of available funds will be allocated.

Category 2 – 10% of available funds following allocations to Category 1 projects.

Category 3 – 60% of available funds following allocations to Category 1 projects; no one project can receive more than 25% of the available funds allocated to this category.

Category 4 – 30% of available funds following allocations to Category 1 projects.

Category 5 – After Categories 1 thru 4 are fully funded, up to \$300,000 for State Fiscal Year 2017-2018, up to \$300,000 for State Fiscal Year 2018-2019, and up to \$300,000 for State Fiscal Year 2019-2020. This Category is subject to fund availability. Public schools can apply for reimbursement up to 100 samples per school or to a maximum amount of \$5,000 per school.

For Categories 1 thru 4, aAny funds not utilized in one category will be redistributed among the remaining categories based on their relative percentage of funding. The division will retain five percent (5%) of the moneys allocated annually to the fund to cover the cost of administering ~~the fund~~ Categories 1 thru 4. Funds may be carried over from previous years' appropriations and reallocated based upon the above distribution on an annual basis. For Category 5 the division will retain funds to cover the cost of 1.3 full time equivalent for the administration of the category.

(4) Project Prioritization Criteria

If the fund lacks sufficient funds to cover all requests within each category, Priority 1 projects will be funded prior to Priority 2 projects, which will be funded prior to Priority 3 projects, which will be funded prior to Priority 4 projects. If it is determined that there are insufficient funds, further prioritization criteria will be applied as identified under each category in this section. The division

may reallocate funding among categories based upon lack of requests or eligible projects within any category.

Criteria for funding project proposals within each category as described in Section 55.3 are as follows:

Category 1 – stormwater management training and best management practices training to reduce the pollution of state waters.

Priority 1 – Projects that implement stormwater management and best management practices training not previously available in Colorado, or previously limited in accessibility.

Priority 2 – Projects that will expand the content or availability of existing stormwater management and best management practices training.

Priority will be given to training providers that can demonstrate that training content will be relevant to implementation in Colorado with regards to Colorado's hydrology, climate and water rights, as applicable.

Priority will also be given to training providers that provide no- or low-cost training.

Additional prioritization criteria will include the expected water quality benefits, total population receiving training, availability of match, and readiness to proceed. Specific points available in each of these categories and tie breaking criteria will be included as an attachment to the request for application.

Category 2 - Projects that improve the water quality in the community or water body which has been impacted by a water quality violation.

Priority 1 – Projects that address impacts to a water supply designated use.

Priority 2 – Projects that address impacts to a recreation designated use.

Priority 3 – Projects that address impacts to an aquatic life designated use.

Priority 4 – Projects that address impacts to an agricultural or wetlands designated use.

Additional prioritization criteria will include financial/affordability, water quality benefits, permit compliance, readiness to proceed, and availability of match. Specific points available in each of these categories and tie breaking criteria will be included as an attachment to the request for application.

Category 3 - Planning, design, construction, or repair of stormwater projects and domestic wastewater treatment facilities identified on the current fiscal year's Water Pollution Control Revolving Fund Intended Use Plan.

Priority 1 – Projects that improve water quality in the community or water body impacted by a violation.

Priority 2 – Planning, design, construction, or repair of stormwater projects.

Priority 3 – Projects identified on the current year's Water Pollution Control Revolving Fund Intended Use Plan.

Additional prioritization criteria will include financial/affordability, water quality benefits, permit compliance, readiness to proceed, and availability of match. Specific points available in each of these categories and tie breaking criteria will be included as an attachment to the request for application.

Category 4 - Nonfederal match funding for nonpoint source projects.

Priority 1 – Projects that reduce or eliminate water quality impairments identified in Regulation #93 (5 CCR 1002-93), Colorado's Section 303(d) List.

Priority 2 – Projects that protect any established designated water quality use.

Category 5 – Public school lead testing projects.

Priority 1 – Testing conducted in the oldest public elementary schools.

Priority 2 – Testing conducted in the oldest public schools that are not elementary schools.

Priority 3 – Testing conducted in all other public schools.

Prioritization criteria will include the age of the original constructed building. Tie breaking criteria will include financial/affordability, school district median household income, and readiness to proceed. Specific points available in each of these categories will be included as an attachment to the request for application.

(5) Notification and Reporting

Applications for Category 1, 2 and 3 projects all of the Categories will be noticed and accepted by the division after the division determines availability of appropriation. For Categories 1 thru 3, Applicants will be responsible for demonstrating the impacts of the violation on the affected water body or community, and the related water quality improvement project benefits. The division will accept applications for Category 4 projects in accordance with the annual nonpoint source project schedule. Category 5 projects may be notified and accepted at different times than Categories 1 thru 4.

The division will evaluate all applications and determine the grant award(s) for each category based on the criteria in the Entity Eligibility Section, Project Eligibility Section, Funding Allocation Section and Project Prioritization Section.

Grant recipients for Categories 1 thru 4 will provide a final project report within 60 days of completion of the project. Final project reports shall include a detailed description of the project as implemented, all problems encountered and the solutions thereto, itemized project costs, a declaration that the project has been fully implemented as approved, and a description of the environmental and public health benefits resulting from implementation of the project. Information on the grant recipients, including project description and grant award, will be reported in the division's Annual Report to the commission, in accordance with section 25-8-305, C.R.S.

Grant recipients for Category 5 shall follow the division's lead testing protocol and shall provide the test samples to the Department of Public Health and Environment's laboratory or a laboratory certified by the department. The public school shall provide the test results to its local public health agency, its public water system, its school board, and the division.

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55.7-10 RESERVED

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55.32 STATEMENT OF BASIS, SPECIFIC STATUTORY AUTHORITY, AND PURPOSE REGARDING STATE FUNDED WATER AND WASTEWATER INFRASTRUCTURE PROGRAMS, NOVEMBER 13, 2017 RULEMAKING, EFFECTIVE DECEMBER 31, 2017

The provisions of Sections 25-8-202, 25-8-308, and 25-8-608, C.R.S. provide the specific statutory authority for adoption and implementation of the attached regulations. The Commission, in compliance with section 24-4-103(4), C.R.S., has adopted the following statement of basis and purpose.

BASIS AND PURPOSE

During the 2017 legislative session, the General Assembly increased the spending authority for the Water Quality Improvement Fund by \$50,000 to continue to support Category 1 projects (stormwater management training and best management practices training to reduce the pollution of state waters). Accordingly, the commission took action to revise section 55.3(3) to increase the funding allocation for Category 1 projects to \$100,000.

Also in 2017, the General Assembly created a new program under HB17-1306 titled the "Safe Water in Schools Act". HB17-1306 establishes a grant program to assist public schools as defined in sections 22-1-101(1) and 25-1.5-203(1)(f) C.R.S. with lead testing for their drinking water. Eligible public schools include public schools that are not a registered public water system and public schools that have not already tested for lead under the requirements of the 1991 federal Lead and Copper Rule or are not currently testing for lead. HB17-1306 provides the appropriation from the Water Quality Improvement Fund after the original four categories are fully appropriated.

In order to assist parties submitting applications for funding, and in order to provide a transparent process for allocation and award of the funds, the commission revised multiple sections in Regulation No. 55. The revised sections include 55.1; 55.2; and 55.3.

- Section 55.1(1) (Authority, Scope and Purpose) was revised to include the public school lead testing program under the ambit of the Water Quality Improvement Fund.
- Section 55.2 (Definitions) was revised to add definitions for the terms public school, elementary school, and public water system as included in HB17-1306.
- Section 55.3 (Water Quality Improvement Fund Criteria) was revised to establish a new project category - Category 5 - for lead testing in public schools in section 55.3(2)(Project Eligibility). Revisions were also included to clarify requirements for the public school lead testing program pertaining to entity eligibility, funding allocation, project prioritization criteria, and notification and reporting requirements, as discussed below.
- Section 55.3(1) – The commission reiterated the eligibility requirements in HB17-1306 by stating eligible entities are limited to public schools that are not subject to the federal Lead and Copper Rule, and those public schools that have not tested for lead pursuant to that rule or are not currently testing for lead.
- Section 55.3(3) - The commission determined that adding a fifth project category in section 55.3(2) allows public school lead testing projects to be funded, but only after categories 1 through

4 are fully appropriated. As indicated in HB17-1306, the commission agreed to allocate for grants up to \$300,000 for State Fiscal Year 2017-2018, up to \$300,000 for State Fiscal Year 2018-2019, and up to \$300,000 for State Fiscal Year 2019-2020, but subject to fund availability. In order to maximize funding to eligible public schools, the commission established a maximum of 100 samples per school, or a maximum grant amount of \$5,000 per school.

- Section 53.3(4) - The project prioritization criteria that were developed for the lead testing in public schools program in section 55.3(4) were designed to reflect language contained in HB17-1306 which emphasized funding priority in the following order: oldest public elementary schools; oldest public schools that are not elementary schools; and all other public schools. In the event there is a tie when prioritizing by using the above criteria, the commission felt it was important to have three tie breaking criteria in the following priority order: financial/ affordability; school district median household income; and readiness to proceed. The commission recognizes that the division will include point values associated with these criteria in the Request for Application.
- Section 53.3(5) – In accordance with HB17-1306, the commission also included certain criteria for conducting testing under the grant program. These include utilizing the division’s lead testing protocol and using the department’s lab or a lab certified by the state for analysis of the samples collected. The regulations also state, consistent with the bill, that grant recipients must provide the lead testing results to the public school’s local public health agency, its supplier of water, its school board, and the division.

Notice of Proposed Rulemaking

Tracking number

2017-00345

Department

1000 - Department of Public Health and Environment

Agency

1002 - Water Quality Control Commission (1002 Series)

CCR number

5 CCR 1002-93

Rule title

REGULATION NO. 93 - COLORADO'S SECTION 303(D) LIST OF IMPAIRED WATERS AND MONITORING AND EVALUATION LIST

Rulemaking Hearing**Date**

12/11/2017

Time

02:00 PM

Location

Sabin Conference Room, CDPHE, 4300 Cherry Creek Drive South, Denver, CO 80246

Subjects and issues involved

Proposed revisions to (1) the list of Water-Quality-Limited Segments Requiring Total Maximum Daily Loads (TMDLs), (2) Colorados Monitoring and Evaluation List and (3) the list of Impaired Water Bodies Not Requiring TMDLs. Also proposed new table format.

Statutory authority

sections 25-8-202(1)(a), (b), and (i), (2) and (6); 25-8-203; 25-8-204; and 25-8-401, C.R.S.

Contact information**Name**

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COLORADO

Water Quality Control Commission

Department of Public Health & Environment

NOTICE OF PUBLIC RULEMAKING HEARING BEFORE THE COLORADO WATER QUALITY CONTROL COMMISSION

SUBJECT:

For consideration of the adoption of revisions to (1) the list of Water-Quality-Limited Segments Requiring Total Maximum Daily Loads (TMDLs), (2) Colorado's Monitoring and Evaluation List and (3) the list of Impaired Water Bodies Not Requiring TMDLs, Regulation #93 (5 CCR 1002-93). Revisions to Regulation #93 proposed by the Water Quality Control Division (division) as staff to the commission, along with proposed Statement of Basis, Specific Statutory Authority and Purpose, are attached to this notice as Exhibit 1.

Besides substantive revisions, the division is also proposing a new table format. The commission will consider whether to delete the existing table in section 93.3 and replace it with one formatted like the table in Exhibit 1, except for the "Proposed Action" column which has been added to identify revisions relative to the current regulation (in lieu of strikeouts and double-underlining). For any water segments included on the proposed lists (existing listings or proposed revisions) set forth in Exhibit 1, this hearing will also consider any alternative proposals that such segments be included on the list of Water-Quality-Limited Segments Requiring Total Maximum Daily Loads, on Colorado's Monitoring and Evaluation List, or not included on either list. This hearing will not consider potential listing of water segments not identified in this notice or the exhibit. Any water bodies that are identified in this notice or the exhibit are within the scope of this hearing, even if they were moved to a different segment as a result of a rulemaking hearing earlier this year.

SCHEDULE OF IMPORTANT DATES

Proponent's prehearing statement due	09/27/2017 5 pm	Additional information below.
Party status requests due	10/04/2017 5 pm	Additional information below.
Responsive prehearing statements due	10/27/2017 5 pm	Additional information below.
Rebuttal statements due	11/22/2017 5 pm	Additional information below.
Last date for submittal of motions	11/27/2017 5 pm	Additional information below.
Notify commission office if participating in prehearing conference by phone	11/27/2017 by noon	Send email to cdphe.wqcc@state.co.us with participant(s) name(s)

Prehearing Conference (mandatory for parties)	11/28/2017 12:30 pm	Florence Sabin Conference Room Department of Public Health and Environment 4300 Cherry Creek Drive South Denver, CO 80246 Call-in: 1-857-216-6700, Code: 425132
Rulemaking Hearing	12/11/2017 2:00 pm	Florence Sabin Conference Room Department of Public Health and Environment 4300 Cherry Creek Drive South Denver, CO 80246

HEARING SUBMITTALS:

For this hearing, the commission will receive all submittals electronically. Submittals must be provided as PDF documents, except for raw data exhibits which may be provided as Excel workbooks. Submittals may be emailed to cdphe.wqcc@state.co.us, provided via an FTP site, CD or flash drive, or otherwise conveyed to the commission office so as to be received no later than the specified date.

PARTY STATUS:

Party status requests must be in writing and must provide:

- the organization's name,
- one contact person,
- a mailing address,
- a phone number, and
- email addresses of all individuals associated with the party who wish to be notified when new submittals are available on the commission's website for review.

In accordance with section 25-8-104(2)(d), C.R.S., any person who believes that the actions proposed in this notice have the potential to cause material injury to his or her water rights is requested to so indicate, along with an explanation of the alleged harm, in their party status request.

PREHEARING AND REBUTTAL STATEMENTS:

Each party must submit a prehearing statement: parties that have proposed revisions attached as exhibits to the notice must submit a proponent's prehearing statement. All other parties must submit a responsive prehearing statement. Proponents may also submit responsive prehearing statements when there are multiple proposals attached to the notice.

Each prehearing and rebuttal statement must be provided as a separate PDF document from any accompanying written testimony or exhibits.

Following the rebuttal statement due date, no other written materials will be accepted from parties except for good cause shown.

Oral testimony at the hearing should primarily summarize written material previously submitted. The hearing will emphasize commission questioning of parties and other interested persons about their written prehearing submittals. Introduction of written material at the hearing by those with party status will not be permitted unless authorized by the commission.

PREHEARING CONFERENCE:

Attendance at the prehearing conference is mandatory for all persons requesting party status. Parties needing to participate by telephone are encouraged to notify the commission office prior to the prehearing conference. Remote participants can call 1-857-216-6700 and enter the conference code 425132.

Following the cut-off date for motions, no motions will be accepted, except for good cause shown.

PUBLIC PARTICIPATION ENCOURAGED:

The commission encourages input from non-parties, either orally at the hearing or in writing prior to the hearing. Written submissions should be emailed to cdphe.wqcc@state.co.us by November 29, 2017.

SPECIFIC STATUTORY AUTHORITY:

The provisions of sections 25-8-202(1)(a), (b), and (i), (2) and (6); 25-8-203; 25-8-204; and 25-8-401, C.R.S., provide the specific statutory authority for consideration of the regulatory amendments proposed by this notice. Should the commission adopt the regulatory language as proposed in this notice or alternative amendments, it will also adopt, in compliance with section 24-4-103(4) C.R.S., an appropriate Statement of Basis, Specific Statutory Authority, and Purpose.

Dated this 8th day of August, 2017 at Denver, Colorado.

WATER QUALITY CONTROL COMMISSION



Digitally signed by Trisha Oeth
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Trisha Oeth, Administrator

EXHIBIT 1

DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT

Water Quality Control Commission

REGULATION #93 - COLORADO'S SECTION 303(D) LIST OF IMPAIRED WATERS AND MONITORING AND EVALUATION LIST

5 CCR 1002-93

93.1 Authority

These regulations are promulgated pursuant to section 25-8-101 et seq C.R.S. as amended, and in particular, 25-8-202 (1) (a), (b), (i), (2) and (6); 25-8-203 and 25-8-204.

93.2 Purpose

This regulation establishes Colorado's Lists of Impaired Waters. These waters include Water-Quality-Limited Segments Requiring Total Maximum Daily Loads ("TMDLs"), impaired waters that do not require a TMDL, and Colorado's Monitoring and Evaluation List.

- (1) The list of Water-Quality-Limited Segments Requiring TMDLs fulfills requirements of section 303(d) of the federal Clean Water Act which requires that states submit to the U.S. Environmental Protection Agency a list of those waters for which technology-based effluent limitations and other required controls are not stringent enough to implement water quality standards. These segments are included in Section 93.3 with parameters included in the Clean Water Section 303(d) Impairment column.
- (2) Colorado's Monitoring and Evaluation List identifies water bodies where there is reason to suspect water quality problems, but there is also uncertainty regarding one or more factors, such as the representative nature of the data. Water bodies that are impaired, but it is unclear whether the cause of impairment is attributable to pollutants as opposed to pollution, are also placed on the Monitoring and Evaluation List. This Monitoring and Evaluation list is a state-only document that is not subject to EPA approval. These segments are included in Section 93.3 with parameters included in the Colorado's Monitoring and Evaluation column.
- (3) The list of Water-Quality-Limited Segments Not Requiring a TMDL identifies segments where data is available that indicates that at least one classified use is not being supported, but a TMDL is not needed. These segments and parameters are included in Section 93.4.

93.3 Water Bodies Requiring TMDLs or Identified for Monitoring and Evaluation

Only those segments where a Clean Water Section 303(d) Impairment has been determined require TMDLs. For these segments, TMDLs are only required for those parameters that are identified as impairments.

[NOTE: Delete previous 93.3 Table and replace with the following new 93.3 Table.]

93.3 Water Bodies Requiring TMDLs or Identified for Monitoring and Evaluation

COARFO01a 1a. Mainstem of Fountain Creek, including all tributaries and wetlands, from the source to a point immediately above the confluence with Monument Creek, except for specific listings in segment 1b.

Listed portion:	¹	COARFO01a_B Mainstem of Fountain Creek from source to above Monument creek				
		Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
		Aquatic Life Use	Iron (Total)	1. - All attaining	M&E / Remove	NA
		Recreational Use	E. coli	5. - 303(d)	Retain	H
		Water Supply Use	Arsenic (Total)	5. - 303(d)	Retain	L
		Water Supply Use	Manganese (Dissolved)	5. - 303(d)	Retain	L
		Water Supply Use	Uranium (Total)	5. - 303(d)	Change from M&E to 303(d)	NA

COARFO01b 1b. Severy Creek and all tributaries from the source to a point just upstream of where US Forest Service Road 330 crosses the stream.

Listed portion:	¹	COARFO01b_A Severy Creek and all tributaries from the source to a point just upstream of where US Forest Service Road 330 crosses the stream.			
	Impaired Use	Analyte	Category / List	Proposed Action	Priority
	Aquatic Life Use	Zinc (Dissolved)	5. - 303(d)	303(d) / New	H

COARFO02a 2a. Mainstem of Fountain Creek from a point immediately above the confluence with Monument Creek to a point immediately above the State Highway 47 Bridge.

Listed portion:	¹	COARFO02a_A Mainstem of Fountain Creek from a point immediately above the confluence with Monument Creek to a point immediately above the State Highway 47 Bridge.			

COARFO02b 2b. Mainstem of Fountain Creek from a point immediately above the State Highway 47 Bridge to the confluence with the Arkansas River.

Listed portion: ¹	COARFO02b_A	Mainstem of Fountain Creek from a point immediately above the State Highway 47 Bridge to the confluence with the Arkansas River.			
	Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
	Recreational Use	E. coli	5. - 303(d)	303(d) / New	H
	Water Supply Use	Iron (Dissolved)	5. - 303(d)	303(d) / New	L
	Aquatic Life Use	Iron (Total)	5. - 303(d)	303(d) / New	M
	Aquatic Life Use	Selenium (Dissolved)	5. - 303(d)	303(d) / New	M
	Water Supply Use	Sulfate	5. - 303(d)	303(d) / New	L
	Aquatic Life Use	Temperature	5. - 303(d)	303(d) / New	M

COARFO03a 3a. All tributaries to Fountain Creek which are within the boundaries of National Forest or Air Force Academy lands, including all wetlands, from a point immediately above the confluence with Monument Creek to the confluence with the Arkansas River, except for the mainstem of Monument Creek in the Air Force Academy lands and specific listings in segment 3b.

Listed portion:	¹	COARFO03a_B West Monument Creek and tributaries				
		Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
		Aquatic Life Use	Macroinvertebrates (Provisional)	5. - 303(d)	Retain	L

COARFO03b 3b. Bear Creek, and all tributaries, from the source to a point immediately upstream of Gold Camp Road.

Listed portion:	¹	COARFO03b_A Bear Creek, and all tributaries, from the source to a point immediately upstream of Gold Camp Road.				
		Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
		Aquatic Life Use	Copper (Dissolved)	1. - All attaining	303(d) / Remove	H
		Recreational Use	E. coli	3b. - M&E list	M&E / New	NA

COARFO04 4. All tributaries to Fountain Creek which are not within the boundaries of National Forest or Air Force Academy lands, including all wetlands, from a point immediately above the confluence with Monument Creek to the confluence with the Arkansas River, except for specific listings in segments 5 and 6.

Listed portion:	¹	COARFO04_A	All tributaries to Fountain Creek which are not within the boundaries of National Forest or Air Force Academy lands, including all wetlands, from Monument Creek to Arkansas River, except for Sand Creek, Little Fountain Creek below Deadman Canyon, and specific listings in segments 5 and 6.			
		Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
		Recreational Use	E. coli	5. - 303(d)	Retain	H

Listed portion:	¹	COARFO04_B Sand Creek and tributaries				
		Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
		Water Supply Use	Manganese (Dissolved)	3b. - M&E list	M&E / New	NA
		Recreational Use	E. coli	5. - 303(d)	Retain	H
		Aquatic Life Use	Selenium (Dissolved)	5. - 303(d)	Retain	L
		Water Supply Use	Sulfate	5. - 303(d)	303(d) / New	L

Listed portion:	¹	COARFO04_C	Little Fountain Creek and its Tributaries below the national Forest boundry.			
		Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
		Recreational Use	E. coli	5. - 303(d)	Retain	H
		Aquatic Life Use	Selenium (Dissolved)	5. - 303(d)	Change from M&E to 303(d)	M
		Water Supply Use	Manganese (Dissolved)	5. - 303(d)	303(d) / New	L
		Water Supply Use	Sulfate	5. - 303(d)	303(d) / New	L

COARFO05 5. Marshland on Nash Property (60 acres at 13030 Old Pueblo Road, El Paso County) located in Section 28 T16S R65W; Jimmy Camp Creek from the irrigation diversion east of Old Pueblo Road to its confluence with Fountain Creek; unnamed tributary from the boundary of Fort Carson to the confluence with Fountain Creek; located in S1/2, SW1/4, Section 6 and N1/2. NW1/4, Section 7, T16S, R65W.

Listed portion: ¹ **COARFO05_A** Marshland on Nash Property (60 acres at 13030 Old Pueblo Road, El Paso County) located in Section 28 T16S R65W; Jimmy Camp Creek from the irrigation diversion east of Old Pueblo Road to its confluence with Fountain Creek; unnamed tributary from the boundary of Fort Carson to the confluence with Fountain Creek; located in S1/2, SW1/4, Section 6 and N1/2. NW1/4, Section 7, T16S, R65W.

Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
Aquatic Life Use	Iron (Total)	3b. - M&E list	Retain	NA

COARFO06 6. Mainstem of Monument Creek, from the boundary of National Forest lands to the confluence with Fountain Creek.

Listed portion: ¹ **COARFO06_A** Mainstem of Monument Creek, from the boundary of National Forest lands to the confluence with Fountain Creek.

Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
Recreational Use	E. coli (May-Oct)	1. - All attaining	303(d) / Remove	NA
Aquatic Life Use	Macroinvertebrates (Provisional)	5. - 303(d)	Retain	L
Recreational Use	E. coli	5. - 303(d)	303(d) / New	H
Aquatic Life Use	CN	5. - 303(d)	303(d) / New	M
Water Supply Use	Manganese (Dissolved)	5. - 303(d)	303(d) / New	L

COARFO09 9. North Catamount Reservoir, South Catamount Reservoir, and Crystal Creek Reservoir.

Listed portion: ¹ **COARFO09_B** North Catamount Reservoir

Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
Aquatic Life Use	Copper (Dissolved)	5. - 303(d)	303(d) / New	H
Aquatic Life Use	Zinc (Dissolved)	5. - 303(d)	303(d) / New	H

COARLA01a 1a. Mainstem of the Arkansas River from a point immediately above the confluence with Fountain Creek to immediately above the Colorado Canal headgate near Avondale.

Listed portion: ¹ **COARLA01a_A** Mainstem of the Arkansas River from a point immediately above the confluence with Fountain Creek to immediately above the Colorado Canal headgate near Avondale.

Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
Aquatic Life Use	Temperature	3b. - M&E list	M&E / New	NA
Recreational Use	E. coli	5. - 303(d)	Retain	H
Water Supply Use	Manganese (Dissolved)	5. - 303(d)	303(d) / New	L
Water Supply Use	Sulfate	5. - 303(d)	303(d) / New	L

COARLA01b	1b. Mainstem of the Arkansas River from the Colorado Canal headgate to the inlet to John Martin Reservoir.					
Listed portion:	¹	COARLA01b_A	Mainstem of the Arkansas River from the Colorado Canal headgate to the inlet to John Martin Reservoir.			
		Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
		Aquatic Life Use	Temperature	3b. - M&E list	M&E / New	NA
		Aquatic Life Use	Selenium (Dissolved)	5. - 303(d)	Retain	L
		Water Supply Use	Arsenic (Total)	5. - 303(d)	Retain	L
		Water Supply Use	Manganese (Dissolved)	5. - 303(d)	Retain	L
		Aquatic Life Use	Iron (Total)	5. - 303(d)	303(d) / New	M
COARLA01c	1c. Mainstem of the Arkansas River from the outlet of John Martin Reservoir to the Colorado/Kansas border.					
Listed portion:	¹	COARLA01c_A	Mainstem of the Arkansas River from the outlet of John Martin Reservoir to the Colorado/Kansas border.			
		Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
		Aquatic Life Use	Temperature	3b. - M&E list	M&E / New	NA
		Aquatic Life Use	Selenium (Dissolved)	5. - 303(d)	Retain	H
		Water Supply Use	Arsenic (Total)	5. - 303(d)	Retain	L
		Water Supply Use	Manganese (Dissolved)	5. - 303(d)	Retain	L
		Water Supply Use	Uranium (Total)	5. - 303(d)	Retain	H
		Water Supply Use	Sulfate	5. - 303(d)	303(d) / New	L
COARLA02a	2a. All tributaries to the Arkansas River, including wetlands, from the Colorado Canal headgate to the Colorado/Kansas border except for specific listings in segments 2b, 2c, 3a through 9b, and Middle Arkansas Basin listings.					
Listed portion:	¹	COARLA02a_A	All tributaries to the Arkansas River, including wetlands, from the Colorado Canal headgate to the Colorado/Kansas border except for specific listings in segments 2b, 2c, 3a through 9b, and Middle Arkansas Basin listings.			
		Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
		Water Supply Use	Manganese (Dissolved)	3b. - M&E list	Retain	NA
		Water Supply Use	Sulfate	3b. - M&E list	Retain	NA
		Aquatic Life Use	Temperature	3b. - M&E list	M&E / New	NA
COARLA03a	3a. Mainstem of the Apishapa River, including all tributaries and wetlands, from the source to I-25, except for specific listings in Middle Arkansas segment 1 and Lower Arkansas segments 3b and 3c.					
Listed portion:	¹	COARLA03a_A	Mainstem of the Apishapa River, including all tributaries and wetlands, from the source to I-25, except for specific listings in Middle Arkansas segment 1 and Lower Arkansas segments 3b and 3c.			
		Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
		Recreational Use	E. coli	3b. - M&E list	Retain	NA
		Aquatic Life Use	Temperature	5. - 303(d)	Retain	H

COARLA04a	4a. Mainstem of the Apishapa River from I-25 to the confluence with the Arkansas River. Mainstem of Timpas Creek from the source to the Arkansas River.				
Listed portion:	¹ COARLA04a_A	Mainstem of Timpas Creek from the source to the Arkansas River.			
	Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
	Aquatic Life Use	Selenium (Dissolved)	5. - 303(d)	Retain	L
	Water Supply Use	Sulfate	5. - 303(d)	Retain	L
	Aquatic Life Use	Iron (Total)	5. - 303(d)	303(d) / New	H
Listed portion:	¹ COARLA04a_B	Mainstem of the Apishapa River from I-25 to the confluence with the Arkansas River.			
	Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
	Water Supply Use	Manganese (Dissolved)	1. - All attaining	M&E / Remove	NA
	Aquatic Life Use	Selenium (Dissolved)	5. - 303(d)	Retain	L
	Water Supply Use	Sulfate	5. - 303(d)	Retain	L
	Aquatic Life Use	Iron (Total)	5. - 303(d)	303(d) / New	H
COARLA05a	5a.Mainstem of the North Fork of the Purgatoire River, including all tributaries and wetlands, from the source to a point immediately below the confluence with Guajatoyah Creek; mainstem of the Middle Fork of the Purgatoire River, including all tributaries and wetlands, from the source to the Bar Ni Ranch Road at Stonewall Gap; Mainstem of the South Fork of the Purgatoire River, including all tributaries and wetlands, from the source to Tercio.				
Listed portion:	¹ COARLA05a_A	Mainstem of the North Fork of the Purgatoire River, including all tributaries and wetlands, from the source to a point immediately below the confluence with Guajatoyah Creek; mainstem of the Middle Fork of the Purgatoire River, including all tributaries and wetlands, from the source to the Bar Ni Ranch Road at Stonewall Gap; Mainstem of the South Fork of the Purgatoire River, including all tributaries and wetlands, from the source to Tercio.			
	Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
	Water Supply Use	Arsenic (Total)	1. - All attaining	303(d) / Remove	L
COARLA05b	5b.Mainstem of the North Fork of the Purgatoire River, including all tributaries and wetlands, from a point immediately below the confluence with Guajatoyah Creek to the confluence with the Purgatoire River. Mainstem of the Middle Fork of the Purgatoire River from the Bar Ni Ranch Road at Stonewall Gap to the confluence with the North Fork of the Purgatoire River. Mainstem of the South Fork of the Purgatoire River from Tercio to the confluence with the Purgatoire River. Mainstem of the Purgatoire River to Trinidad Lake. Mainstem of Long Canyon Creek from the source to Trinidad Reservoir.				
Listed portion:	¹ COARLA05b_A	NF of the Purgatoire River, including all tributaries and wetlands, from Guajatoyah Ck to Purgatoire River. Middle Fork of the Purgatoire River from the Bar Ni Ranch Road at Stonewall Gap to NF of the Purgatoire River. SF of the Purgatoire River from Tercio to the confluence with the Purgatoire River. Mainstem of the Purgatoire River to Trinidad Lake. Mainstem of Long Canyon Creek from the source to Trinidad Reservoir			
	Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
	Aquatic Life Use	Temperature	3b. - M&E list	Retain	NA
	Water Supply Use	Arsenic (Total)	5. - 303(d)	Retain	L
Listed portion:	¹ COARLA05b_B	Long Canyon Creek from source to Trinidad Reservoir			
	Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
	Aquatic Life Use	Temperature	3b. - M&E list	Retain	NA
	Water Supply Use	Manganese (Dissolved)	3b. - M&E list	Retain	NA
	Water Supply Use	Arsenic (Total)	5. - 303(d)	Retain	L

COARLA06a	6a.All tributaries to the Purgatoire River, including all wetlands, from the source to Interstate 25, except for specific listings in segments 4b, 5a, 5b, 5c and 6b.					
Listed portion:	¹	COARLA06a_B	Apache Canyon and tributaries			
		Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
		Aquatic Life Use	Macroinvertebrates (Provisional)	5. - 303(d)	Retain	M
Listed portion:	¹	COARLA06a_C	Sarcillo Canyon and tributaries			
		Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
		Aquatic Life Use	Temperature	3b. - M&E list	Retain	NA
Listed portion:	¹	COARLA06a_D	Reilly Canyon and tributaries			
		Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
		Aquatic Life Use	Temperature	3b. - M&E list	Retain	NA
Listed portion:	¹	COARLA06a_E	Banarito Canyon			
		Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
		Aquatic Life Use	Macroinvertebrates (Provisional)	5. - 303(d)	303(d) / New	M
Listed portion:	¹	COARLA06a_F	Bingham Canyon			
		Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
		Aquatic Life Use	Macroinvertebrates	3b. - M&E list	M&E / New	NA
COARLA06b	6b.Wet Canyon and all tributaries, including wetlands, from the source to the confluence with the Purgatoire River.					
Listed portion:	¹	COARLA06b_A	Wet Canyon and all tributaries, including wetlands, from the source to the confluence with the Purgatoire River.			
		Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
		Aquatic Life Use	Temperature	3b. - M&E list	Retain	NA
COARLA07	7. Mainstem of the Purgatoire River from Interstate 25 to the confluence with the Arkansas River.					
Listed portion:	¹	COARLA07_A	Mainstem of the Purgatoire River from Interstate 25 to the confluence with the Arkansas River.			
		Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
		Aquatic Life Use	Sediment	3b. - M&E list	Retain	NA
		Recreational Use	E. coli	3b. - M&E list	Retain	NA

COARLA09a 9a. Mainstems of Adobe, Buffalo, Cheyenne, Clay, Gageby, Horse, Two Butte, Wildhorse and Wolf Creeks from their sources to their confluences with the Arkansas River. Mainstems of Chacuacho Creek, San Francisco Creek, Trinchera Creek and Van Bremer Arroyo from their sources to their confluences with the Purgatoire River. Mainstem of Willow Creek from Highway 287 to the confluence with the Arkansas River. Mainstem of Big Sandy Creek from the source to the El Paso/Elbert county line. Mainstem of South Rush Creek from the source to the confluence with Rush Creek. Mainstem of Middle Rush Creek from the source to the confluence with North Rush Creek. North Rush Creek from the source to the confluence with South Rush Creek. Mainstem of Rush Creek to the Lincoln County Line. Mainstem of Antelope Creek from the source to the confluence with Rush Creek; the West May Valley drain from the Fort Lyon Canal to the confluence with the Arkansas River.

Listed portion: ¹ **COARLA09a_A** Mainstem (MS) of Buffalo, Cheyenne, Clay, Gageby, Two Butte, Wildhorse and Wolf Cks from sources to the Ark. R. MS of Chacuacho, San Francisco, Trinchera and Van Bremer Cks from sources to the Purgatoire R. MS of Willow Ck from HWY 287 to the confl. with the Ark. R. MS of Big Sandy Creek from source to the El Paso/Elbert cty line. MS of South Rush Ck from source to the confl. with Rush Ck. MS of Middle Rush Ck from source to the confl. with North Rush Ck. North Rush Ck from source to the confl. with South Rush Ck. MS of Rush Ck to the Lincoln cty Line. MS of Antelope Ck from source to the confluence with Rush Ck; the West May Valley drain from Fort Lyon Canal to the confl. with the Ark. R.

Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
Aquatic Life Use	Selenium (Dissolved)	5. - 303(d)	Retain	L
Water Supply Use	Arsenic (Total)	5. - 303(d)	Retain	H
Water Supply Use	Manganese (Dissolved)	5. - 303(d)	303(d) / New	L

Listed portion: ¹ **COARLA09a_B** Mainstem of Horse Creek

Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
Water Supply Use	Sulfate	3b. - M&E list	Retain	NA
Water Supply Use	Uranium (Total)	3b. - M&E list	M&E / New	NA
Aquatic Life Use	Selenium (Dissolved)	5. - 303(d)	Retain	L
Water Supply Use	Arsenic (Total)	5. - 303(d)	Retain	H
Aquatic Life Use	Iron (Total)	5. - 303(d)	Retain	H
Water Supply Use	Manganese (Dissolved)	5. - 303(d)	Change from M&E to 303(d)	NA

Listed portion: ¹ **COARLA09a_C** Mainstem of Adobe Creek

Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
Aquatic Life Use	Selenium (Dissolved)	3b. - M&E list	M&E / New	NA
Water Supply Use	Arsenic (Total)	3b. - M&E list	Retain	NA
Aquatic Life Use	Iron (Total)	3b. - M&E list	Retain	NA
Water Supply Use	Sulfate	3b. - M&E list	M&E / New	NA
Recreational Use	E. coli	5. - 303(d)	Retain	H
Water Supply Use	Manganese (Dissolved)	5. - 303(d)	303(d) / New	L

COARLA09b 9b. Mainstem of Apache Creek from the source to the confluence with the North Rusk Creek. Mainstem of Breckenridge Creek from the source to the confluence with Horse Creek. Mainstem of Little Horse Creek from the source to the confluence with Horse Creek. Mainstem of Bob Creek from the source to Meredith Reservoir. Mainstem of Big Sandy Creek within Prowers County. Mainstem of Rule Creek from the Bent/Las Animas county line to John Martin Reservoir. Mainstem of Muddy Creek from the south boundary of the Setchfield State Wildlife Area to the confluence with Rule Creek. Mainstem of Caddoa Creek from CC Road to the confluence with the Arkansas River. Mainstem of Cat Creek from the source to the confluence with Clay Creek. Mainstem of Mustang Creek from the source to the confluence with Apishapa River. Mainstem of Chicosa Creek from the source to the Arkansas River. Mainstem of Smith Canyon from the Otero/Las Animas county line to the confluence with the Purgatoire River. Mainstem of Mud Creek from V Road to the confluence with the Arkansas River. Mainstems of Frijole Creek and Luning Arroyo from their sources to their confluences with the Purgatoire River. Mainstem of Blackwell Arroyo from its source to the confluence with Luning Arroyo. Mainstem of San Isidro Creek from the source to the confluence with San Francisco Creek.

Listed portion: ¹ **COARLA09b_A** Mainstem (MS) of Apache Ck. MS of Breckenridge Ck. MS of Little Horse Ck. MS of Bob Ck. MS of Rule Ck from Bent/Las Animas County line. MS of Muddy Ck from south boundary of Setchfield SWA. MS of Caddoa Ck from CC Rd. MS of Cat Ck. MS of Mustang Ck from the source to the confl. with Apishapa R. MS of Chicosa Ck from source to the Ark. R. MS of Smith Canyon from Otero/Las Animas county line to the confl. with Purgatoire R. MS of Mud Ck from V Rd to the confl. with the Arkansas R. MS of Frijole Ck and Luning Arroyo from sources to confl. with Purgatoire R. MS of Blackwell Arroyo from source to the confl. with Luning Arroyo. MS of San Isidro Ck from source to the confl. with San Francisco Ck.

Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
Water Supply Use	Manganese (Dissolved)	3b. - M&E list	Retain	NA
Aquatic Life Use	Selenium (Dissolved)	5. - 303(d)	Retain	L
Water Supply Use	Sulfate	5. - 303(d)	Change from M&E to 303(d)	NA
Aquatic Life Use	Iron (Total)	5. - 303(d)	303(d) / New	M

Listed portion: ¹ **COARLA09b_B** Big Sandy Creek within Prowers County

Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
Water Supply Use	Manganese (Dissolved)	3b. - M&E list	Retain	NA
Water Supply Use	Sulfate	3b. - M&E list	Retain	NA
Aquatic Life Use	Selenium (Dissolved)	5. - 303(d)	Retain	L
Aquatic Life Use	Iron (Total)	5. - 303(d)	Retain	NA

COARLA10 10. Two Buttes Reservoir, Two Buttes Pond, Hasty Lake, Holbrook Reservoir, Burchfield Lake, Nee-Skah (Queens) Reservoir, Adobe Creek Reservoir, Neeso Pah Reservoir, Nee Noshe Reservoir; Nee Gronda Reservoir.

Listed portion: ¹ **COARLA10_B** Adobe Creek Reservoir

Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
Aquatic Life Use	Selenium (Dissolved)	5. - 303(d)	Retain	L
Water Supply Use	Arsenic (Total)	5. - 303(d)	Change from M&E to 303(d)	H

Listed portion: ¹ **COARLA10_C** Nee Gronda Reservoir

Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
Aquatic Life Use	Selenium (Dissolved)	5. - 303(d)	Retain	L

COARLA11 11. John Martin Reservoir.

Listed portion: ¹ **COARLA11_A** John Martin Reservoir.

Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
Aquatic Life Use	Selenium (Dissolved)	5. - 303(d)	Retain	L
Water Supply Use	Arsenic (Total)	5. - 303(d)	303(d) / New	H

COARLA12	12. Lake Henry, Lake Meridith.					
Listed portion:	¹	COARLA12_A	Lake Meredith			
		Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
		Aquatic Life Use	Selenium (Dissolved)	5. - 303(d)	Retain	L
Listed portion:	¹	COARLA12_B	Lake Henry			
		Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
		Aquatic Life Use	Iron (Total)	3b. - M&E list	Retain	NA
		Aquatic Life Use	Selenium (Dissolved)	5. - 303(d)	Retain	L
COARLA15	15. All lakes and reservoirs tributary to the mainstem of the North Fork of the Purgatoire River from the source to a point immediately below the confluence with Guajatomah Creek. All lakes and reservoirs tributary to the Middle Fork of the Purgatoire River from the source to the USGS gage at Stonewall mainstem of the South Fork of the Purgatoire River, from the source to Tercio. Monument Lake, North Lake, Trinidad Lake, Long Canyon Reservoir and Lake Dorothy.					
Listed portion:	¹	COARLA15_B	Trinidad Reservoir			
		Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
		Aquatic Life Use	Dissolved Oxygen (Temperature)	5. - 303(d)	Retain	H
		Aquatic Life Use	Fish (Mercury)	5. - 303(d)	Retain	H
		Water Supply Use	Arsenic (Total)	5. - 303(d)	303(d) / New	H
COARMA02	2. Mainstem of the Arkansas River from the outlet of Pueblo Reservoir to a point immediately above the confluence with Wildhorse/Dry Creek Arroyo.					
Listed portion:	¹	COARMA02_A	Mainstem of the Arkansas River from Blue Ribbon Creek to a point immediately above the confluence with Wildhorse/Dry Creek Arroyo.			
		Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
		Aquatic Life Use	Temperature	5. - 303(d)	Retain	H
		Aquatic Life Use	Selenium (Dissolved)	5. - 303(d)	303(d) / New	H
Listed portion:	¹	COARMA02_B	Mainstem of the Arkansas River from Pueblo Reservoir to Blue Ribbon Creek			
		Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
		Water Supply Use	Manganese (Dissolved)	1. - All attaining	303(d) / Remove	L
		Aquatic Life Use	Selenium (Dissolved)	1. - All attaining	303(d) / Remove	H
		Aquatic Life Use	Temperature	5. - 303(d)	Retain	H
COARMA03	3. Mainstem of the Arkansas River from a point immediately above the confluence with Wildhorse/Dry Creek Arroyo to a point immediately above the confluence with Fountain Creek.					
Listed portion:	¹	COARMA03_A	Mainstem of the Arkansas River from a point immediately above the confluence with Wildhorse/Dry Creek Arroyo to a point immediately above the confluence with Fountain Creek.			
		Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
		Aquatic Life Use	Selenium (Dissolved)	5. - 303(d)	Retain	H
		Water Supply Use	Arsenic (Total)	5. - 303(d)	Retain	L
		Recreational Use	E. coli	5. - 303(d)	303(d) / New	H

COARMA04a	4a. Mainstem of Wildhorse Creek from the source to the confluence with the Arkansas River.				
Listed portion:	¹ COARMA04a_A	Mainstem of Wildhorse Creek from the source to the confluence with the Arkansas River.			
	Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
	Water Supply Use	Nitrite	1. - All attaining	M&E / Remove	NA
	Aquatic Life Use	Nitrite	3b. - M&E list	Retain	NA
	Recreational Use	E. coli	5. - 303(d)	Retain	H
COARMA04b	4b. Mainstem of Rock Creek, Salt Creek and Peck Creek from their sources to the confluence with the Arkansas River.				
Listed portion:	¹ COARMA04b_B	Mainstem of Salt Creek			
	Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
	Aquatic Life Use	Macroinvertebrates	3b. - M&E list	M&E / New	NA
	Aquatic Life Use	Copper (Dissolved)	3b. - M&E list	M&E / New	NA
	Aquatic Life Use	Iron (Total)	3b. - M&E list	M&E / New	NA
COARMA04c	4c. Mainstem of Chico Creek, including all tributaries and wetlands, from the source to the confluence with the Arkansas River, except for specific listings in segment 4f.				
Listed portion:	¹ COARMA04c_A	Mainstem of Chico Creek, including all tributaries and wetlands, from the source to the confluence with the Arkansas River, except for specific listings in segment 4f.			
	Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
	Recreational Use	E. coli	3b. - M&E list	M&E / New	NA
	Aquatic Life Use	Ammonia	5. - 303(d)	303(d) / New	H
COARMA04g	4g. Mainstem of Pesthouse Gulch, from the source to the confluence with Wildhorse Creek.				
Listed portion:	¹ COARMA04g_A	Mainstem of Pesthouse Gulch, from the source to the confluence with Wildhorse Creek.			
	Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
	Recreational Use	E. coli	3b. - M&E list	M&E / New	NA
COARMA06a	6a. Mainstem of the Saint Charles River from a point immediately above the CF&I diversion canal near Burnt Mill to a point immediately upstream of the confluence with Edson Arroyo.				
Listed portion:	¹ COARMA06a_A	Mainstem of the Saint Charles River from a point immediately above the CF&I diversion canal near Burnt Mill to a point immediately upstream of the confluence with Edson Arroyo.			
	Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
	Water Supply Use	Manganese (Dissolved)	3b. - M&E list	Retain	NA
	Water Supply Use	Sulfate	3b. - M&E list	Retain	NA
COARMA06b	6b. Mainstem of the Saint Charles River from the confluence with Edson Arroyo to the confluence with the Arkansas River.				
Listed portion:	¹ COARMA06b_A	Mainstem of the Saint Charles River from the confluence with Edson Arroyo to the confluence with the Arkansas River.			
	Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
	Aquatic Life Use	Selenium (Dissolved)	3b. - M&E list	M&E / New	NA
	Water Supply Use	Manganese (Dissolved)	5. - 303(d)	Retain	L
	Water Supply Use	Sulfate	5. - 303(d)	Change from M&E to 303(d)	NA

COARMA07b 7b. Mainstem of Greenhorn Creek, including all tributaries and wetlands, from the San Isabel National Forest boundary to a point immediately below the Greenhorn Highline (Hayden Supply Ditch) diversion dam. Mainstem of Graneros Creek below the San Isabel National Forest boundary. Muddy Creek, including all tributaries and wetlands, from the San Isabel National Forest boundary to 232/Bondurant Road.

Listed portion: ¹ **COARMA07b_A** Mainstem of Greenhorn Creek, including all tributaries and wetlands, from the San Isabel National Forest boundary to a point immediately below the Greenhorn Highline (Hayden Supply Ditch) diversion dam. Mainstem of Graneros Creek below the San Isabel National Forest boundary. Muddy Creek, including all tributaries and wetlands, from the San Isabel National Forest boundary to 232/Bondurant Road.

Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
Aquatic Life Use	Temperature	1. - All attaining	M&E / Remove	NA
Water Supply Use	Arsenic (Total)	5. - 303(d)	303(d) / New	H

COARMA09 9. Mainstem of Greenhorn Creek, from a point immediately below the Greenhorn Highline (Hayden Supply Ditch) diversion dam, to the confluence with the Saint Charles River.

Listed portion: ¹ **COARMA09_A** Mainstem of Greenhorn Creek, from a point immediately below the Greenhorn Highline (Hayden Supply Ditch) diversion dam, to the confluence with the Saint Charles River.

Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
Water Supply Use	Manganese (Dissolved)	1. - All attaining	M&E / Remove	NA
Water Supply Use	Arsenic (Total)	5. - 303(d)	Retain	L
Aquatic Life Use	Selenium (Dissolved)	5. - 303(d)	303(d) / New	M

COARMA10 10. Mainstem of Sixmile Creek from the source to the confluence with the Arkansas River.

Listed portion: ¹ **COARMA10_A** Mainstem of Sixmile Creek from the source to the confluence with the Arkansas River.

Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
Aquatic Life Use	Iron (Total)	5. - 303(d)	Retain	L
Aquatic Life Use	Selenium (Dissolved)	5. - 303(d)	Retain	L

COARMA11b 11b. Mainstem of the Huerfano River, including all tributaries and wetlands, from 570 Road near Malachite to Highway 69 at Badito, except for the specific listings in segment 1, 11a and 17.

Listed portion: ¹ **COARMA11b_A** Mainstem of the Huerfano River, including all tributaries and wetlands, from 570 Road near Malachite to Highway 69 at Badito, except for the specific listings in segment 1, 11a and 17.

Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
Aquatic Life Use	Iron (Total)	1. - All attaining	M&E / Remove	NA
Water Supply Use	Manganese (Dissolved)	1. - All attaining	M&E / Remove	NA
Water Supply Use	Arsenic (Total)	5. - 303(d)	Change from M&E to 303(d)	H

COARMA12 12. Mainstem of Huerfano River from Highway 69 at Badito to the confluence with the Arkansas River.

Listed portion: ¹ **COARMA12_A** Mainstem of Huerfano River from Highway 69 at Badito to the confluence with the Arkansas River.

Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
Aquatic Life Use	Selenium (Dissolved)	5. - 303(d)	Retain	L

COARMA13a 13a. All tributaries, including wetlands, to the Cucharas River within the San Isabel National Forest boundaries, except for the specific listings in segment 1. Mainstem of the Cucharas River, from the source to a point immediately above the confluence with Middle Creek, except for the specific listings in segment 1. Wahatoya Creek, including all tributaries and wetlands, from the source to the confluence with the Cucharas River, except for the specific listings in segment 1. All tributaries to Middle Creek, including wetlands, from the source to a point immediately below the confluence of North and South Middle Creeks.

Listed portion:	¹	COARMA13a_B Wahatoya Creek within the national forest boundry.				
		Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
		Water Supply Use	Arsenic (Total)	5. - 303(d)	303(d) / New	H

COARMA14 14. Mainstem of the Cucharas River from the point of diversion for the Walsenburg public water supply to the outlet of Cucharas Reservoir.

Listed portion:	¹	COARMA14_A Mainstem of the Cucharas River from the point of diversion for the Walsenburg public water supply to the outlet of Cucharas Reservoir.				
		Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
		Aquatic Life Use	Iron (Total)	5. - 303(d)	Retain	H

COARMA18a 18a Mainstem of Boggs Creek from the source to Pueblo Reservoir.

Listed portion:	¹	COARMA18a_A Mainstem of Boggs Creek from the source to Pueblo Reservoir.				
		Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
		Aquatic Life Use	Selenium (Dissolved)	1. - All attaining	303(d) / Remove	H
		Water Supply Use	Uranium (Total)	1. - All attaining	303(d) / Remove	H
		Water Supply Use	Manganese (Dissolved)	1. - All attaining	M&E / Remove	NA
		Aquatic Life Use	Zinc (Dissolved)	1. - All attaining	303(d) / Remove	H
		Water Supply Use	Sulfate	5. - 303(d)	Change from M&E to 303(d)	NA
		Water Supply Use	Arsenic (Total)	5. - 303(d)	303(d) / New	H

COARMA26 26. ,Horseshoe Lake, Martin Lake (Ohem Lake) and Walsenburg Lower Town Lake..

Listed portion:	¹	COARMA26_B Horseshoe Lake (lake Meriam)				
		Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
		Water Supply Use	Arsenic (Total)	3b. - M&E list	M&E / New	NA
		Aquatic Life Use	Fish (Mercury)	5. - 303(d)	Retain	H

Listed portion:	¹	COARMA26_C Martin Lake (Ohem Lake)				
		Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
		Water Supply Use	Arsenic (Total)	5. - 303(d)	303(d) / New	H
		Water Supply Use	Temperature	5. - 303(d)	303(d) / New	L

COARMA27 27. Teller Reservoir

Listed portion:	¹	COARMA27_A Teller Reservoir				
		Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
		Aquatic Life Use	Fish (Mercury)	3b. - M&E list	Retain	NA

COARUA01b	1b. Mainstem of the East Fork of the Arkansas River from its source to a point immediately above the confluence with Birdseye Gulch.					
Listed portion:	¹	COARUA01b_A	Mainstem of the East Fork of the Arkansas River from its source to a point immediately above the confluence with Birdseye Gulch.			
		Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
		Aquatic Life Use	Lead (Dissolved)	4a. - TMDL	Retain	NA
		Aquatic Life Use	Zinc (Dissolved)	4a. - TMDL	Retain	NA
COARUA02a	2a. Mainstem of the East Fork of the Arkansas River and the Arkansas River from a point immediately above the confluence with Birdseye Gulch to a point immediately above the confluence with the California Gulch.					
Listed portion:	¹	COARUA02a_A	Mainstem of the East Fork of the Arkansas River and the Arkansas River from a point immediately above the confluence with Birdseye Gulch to a point immediately above the confluence with the California Gulch.			
		Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
		Water Supply Use	Arsenic (Total)	5. - 303(d)	303(d) / New	H
COARUA02b	2b. Mainstem of the Arkansas River from a point immediately above California Gulch to a point immediately above the confluence with Lake Fork.					
Listed portion:	¹	COARUA02b_A	Mainstem of the Arkansas River from a point immediately above California Gulch to a point immediately above the confluence with Lake Fork.			
		Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
		Aquatic Life Use	Cadmium (Dissolved)	4a. - TMDL	Retain	NA
		Aquatic Life Use	Zinc (Dissolved)	4a. - TMDL	Retain	NA
COARUA02c	2c. Mainstem of the Arkansas River from a point immediately above the confluence with the Lake Fork to a point immediately above the confluence with Lake Creek.					
Listed portion:	¹	COARUA02c_A	Mainstem of the Arkansas River from a point immediately above the confluence with the Lake Fork to a point immediately above the confluence with Lake Creek.			
		Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
		Aquatic Life Use	Cadmium (Dissolved)	4a. - TMDL	Retain	NA
		Aquatic Life Use	Zinc (Dissolved)	4a. - TMDL	Retain	NA
		Water Supply Use	Arsenic (Total)	5. - 303(d)	Retain	H
COARUA03	3. Mainstem of the Arkansas River from a point immediately above the confluence with the Lake Creek to the Chaffee/Fremont County line.					
Listed portion:	¹	COARUA03_A	Mainstem of the Arkansas River from a point immediately above the confluence with the Lake Creek to the Chaffee/Fremont County line.			
		Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
		Aquatic Life Use	Cadmium (Dissolved)	4a. - TMDL	Retain	NA
		Aquatic Life Use	Zinc (Dissolved)	4a. - TMDL	Retain	NA

COARUA04a	4a. Mainstem of the Arkansas River from the Chaffee/Fremont County Line to a point immediately above Highway 115 bridge, due east of Florence.					
Listed portion:	¹	COARUA04a_A	Mainstem of the Arkansas River from the Chaffee/Fremont County Line to a point immediately above Highway 115 bridge, due east of Florence.			
		Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
		Aquatic Life Use	Copper (Dissolved)	1. - All attaining	303(d) / Remove	H
		Aquatic Life Use	Temperature	3b. - M&E list	Retain	NA
		Aquatic Life Use	Cadmium (Dissolved)	4a. - TMDL	Retain	NA
		Aquatic Life Use	Zinc (Dissolved)	4a. - TMDL	Retain	NA
COARUA04b	4b. Mainstem of the Arkansas River from a point immediately above Highway 115 bridge, due east of Florence, to the inlet of Pueblo Reservoir.					
Listed portion:	¹	COARUA04b_A	Mainstem of the Arkansas River from a point immediately above Highway 115 bridge, due east of Florence, to the inlet of Pueblo Reservoir.			
		Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
		Water Supply Use	Arsenic (Total)	3b. - M&E list	M&E / New	NA
		Water Supply Use	Manganese (Dissolved)	3b. - M&E list	M&E / New	NA
COARUA05	5. All tributaries to the Arkansas River, including wetlands, from the source to immediately below the confluence with Brown's Creek, except for specific listings in segments 6 through 12b.					
Listed portion:	¹	COARUA05_A	All tributaries to the Arkansas River, including wetlands, from the source to immediately below the confluence with Brown's Creek, except for specific listings in segments 6 through 12b. Except Lake Fork below Sugarloaf Dam.			
		Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
		Aquatic Life Use	Cadmium (Dissolved)	5. - 303(d)	303(d) / New	H
		Aquatic Life Use	Copper (Dissolved)	5. - 303(d)	303(d) / New	H
		Aquatic Life Use	Zinc (Dissolved)	5. - 303(d)	303(d) / New	H
Listed portion:	¹	COARUA05_B	Lake Fork below Sugarloaf Dam to the confluence with the Arkansas River.			
		Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
		Aquatic Life Use	Zinc (Dissolved)	1. - All attaining	303(d) / Remove	H
		Aquatic Life Use	Macroinvertebrates	3b. - M&E list	Retain	NA
		Aquatic Life Use	Lead (Dissolved)	3b. - M&E list	M&E / New	NA
		Aquatic Life Use	Cadmium (Dissolved)	5. - 303(d)	303(d) / New	NA
		Water Supply Use	Manganese (Dissolved)	5. - 303(d)	Change from M&E to 303(d)	NA
		Water Supply Use	Arsenic (Total)	5. - 303(d)	303(d) / New	H
Listed portion:	¹	COARUA05_C	Colorado Gulch and its tributaries			
		Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
		Aquatic Life Use	Copper (Dissolved)	1. - All attaining	303(d) / Remove	H
		Aquatic Life Use	Zinc (Dissolved)	1. - All attaining	303(d) / Remove	H
		Aquatic Life Use	Silver (Dissolved)	3b. - M&E list	Retain	NA
		Aquatic Life Use	Lead (Dissolved)	3b. - M&E list	Retain	NA
		Aquatic Life Use	Cadmium (Dissolved)	5. - 303(d)	Change from M&E to 303(d)	H
		Water Supply Use	Arsenic (Total)	5. - 303(d)	Retain	H
		Water Supply Use	Iron (Dissolved)	5. - 303(d)	Retain	L
		Water Supply Use	Manganese (Dissolved)	5. - 303(d)	Retain	L

Listed portion:	¹	COARUA05_D	Halfmoon Creek			
		Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
		Aquatic Life Use	Cadmium (Dissolved)	4a. - TMDL	Retain	NA
		Aquatic Life Use	Lead (Dissolved)	4a. - TMDL	Retain	NA
COARUA07		7. Mainstem of Evans Gulch from the source to the confluence with the Arkansas River.				
Listed portion:	¹	COARUA07_A	Mainstem of Evans Gulch from the source to the confluence with the Arkansas River.			
		Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
		Aquatic Life Use	Zinc (Dissolved)	4a. - TMDL	Retain	NA
		Water Supply Use	Arsenic (Total)	5. - 303(d)	303(d) / New	H
		Aquatic Life Use	Cadmium (Dissolved)	5. - 303(d)	303(d) / New	H
COARUA08a		8a. Mainstem of Iowa Gulch from the source to the ASARCO water supply intake.				
Listed portion:	¹	COARUA08a_A	Mainstem of Iowa Gulch from the source to the ASARCO water supply intake.			
		Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
		Aquatic Life Use	Cadmium (Dissolved)	4a. - TMDL	Retain	NA
		Aquatic Life Use	Lead (Dissolved)	4a. - TMDL	Retain	NA
		Aquatic Life Use	Zinc (Dissolved)	4a. - TMDL	Retain	NA
COARUA08b		8b. Mainstem of Iowa Gulch from a point immediately below the ASARCO water supply intake to a point immediately below the headgate of the Paddock #1 Ditch (Iowa Ditch).				
Listed portion:	¹	COARUA08b_A	Mainstem of Iowa Gulch from a point immediately below the ASARCO water supply intake to a point immediately below the headgate of the Paddock #1 Ditch (Iowa Ditch).			
		Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
		Aquatic Life Use	Cadmium (Dissolved)	4a. - TMDL	Retain	NA
		Aquatic Life Use	Lead (Dissolved)	4a. - TMDL	Retain	NA
		Aquatic Life Use	Zinc (Dissolved)	4a. - TMDL	Retain	NA
COARUA10		10. Mainstem of Lake Creek, including all tributaries and wetlands, from the source to the confluence with the Arkansas River, except for the specific listing in segment 11.				
Listed portion:	¹	COARUA10_A	Mainstem of Lake Creek, including all tributaries and wetlands, from the source to the confluence with the Arkansas River, except for the specific listing in segment 11.			
		Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
		Aquatic Life Use	Copper (Dissolved)	4a. - TMDL	Retain	NA
		Aquatic Life Use	Dissolved Oxygen	5. - 303(d)	Retain	H
		Aquatic Life Use	pH	5. - 303(d)	Retain	H

COARUA11	11. Mainstem of South Fork of Lake Creek, including all tributaries and wetlands, from the source to the confluence with Lake Creek.					
Listed portion:	¹	COARUA11_A	Mainstem of South Fork of Lake Creek, including all tributaries and wetlands, from the source to the confluence with Lake Creek.			
		Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
		Aquatic Life Use	Aluminum (Total)	4a. - TMDL	Retain	NA
		Aquatic Life Use	Cadmium (Dissolved)	4a. - TMDL	Retain	NA
		Aquatic Life Use	Copper (Dissolved)	4a. - TMDL	Retain	NA
		Aquatic Life Use	pH	4a. - TMDL	Retain	NA
		Aquatic Life Use	Zinc (Dissolved)	4a. - TMDL	Retain	NA
COARUA12a	12a. Mainstem of Chalk Creek from the source to the confluence with the Arkansas River.					
Listed portion:	¹	COARUA12a_A	Mainstem of Chalk Creek from the source to the confluence with the Arkansas River.			
		Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
		Water Supply Use	Arsenic (Total)	3b. - M&E list	M&E / New	NA
		Aquatic Life Use	Lead (Dissolved)	4a. - TMDL	Retain	NA
		Aquatic Life Use	Zinc (Dissolved)	4a. - TMDL	Retain	NA
		Aquatic Life Use	pH	4a. - TMDL	Retain	NA
		Aquatic Life Use	Aluminum (Dissolved)	4a. - TMDL	Retain	NA
		Aquatic Life Use	Cadmium (Dissolved)	5. - 303(d)	Retain	H
COARUA14c	14c. Mainstems of North and South Hardscrabble Creeks, including all tributaries and wetlands, from their sources to their confluences.					
Listed portion:	¹	COARUA14c_B	North Hardscrabble Creek and tributaries, from the source to the confluence.			
		Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
		Aquatic Life Use	Macroinvertebrates	3b. - M&E list	Retain	NA
		Aquatic Life Use	Temperature	3b. - M&E list	M&E / New	NA
COARUA14d	14d. All tributaries to the Arkansas River, including wetlands, which are not on National Forest lands, from the Chaffee/Fremont County line to the inlet to Pueblo Reservoir, except for specific listings in segments 14a, 14c and 15-27.					
Listed portion:	¹	COARUA14d_B	Turkey Creek above the unnamed tributary that drains Mount Pittsburg (38.615, -104.903)			
		Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
		Aquatic Life Use	Total Phosphorus	3b. - M&E list	M&E / New	NA
COARUA15	15. Mainstem of Grape Creek, including all tributaries and wetlands, from the source to the outlet of De Weese Reservoir, except for specific listings in segment 25. Mainstems of Texas, Badger, Hayden, Hamilton, Stout, and Big Cottonwood Creeks, including all tributaries and wetlands, from their sources to their confluences with the Arkansas River. Mainstem of Newlin Creek from the National Forest boundary to the City of Florence water diversion.					
Listed portion:	¹	COARUA15_B	Grape Creek and its tributaries from Antelope Creek to Deweese Reservoir			
		Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
		Recreational Use	E. coli	3b. - M&E list	M&E / New	NA
		Aquatic Life Use	Macroinvertebrates	3b. - M&E list	Retain	NA
		Water Supply Use	Arsenic (Total)	5. - 303(d)	Retain	H

Listed portion:	¹	COARUA15_C	Mainstem of Grape Creek, including all tributaries and wetlands, from the source to Antelope Creek, except for specific listings in segment 25. Mainstems of Texas, Badger, Hayden, Hamilton, Stout, and Big Cottonwood Creeks, including all tributaries and wetlands, from their sources to their confluences with the Arkansas River. Mainstem of Newlin Creek from the National Forest boundary to the City of Florence water diversion.			
		Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
		Aquatic Life Use	Macroinvertebrates	3b. - M&E list	Retain	NA
		Water Supply Use	Arsenic (Total)	5. - 303(d)	Retain	L
COARUA20b		20b. Mainstem of Fourmile Creek, including all tributaries and wetlands, from the confluence with Long Gulch to the confluence with the Arkansas River.				
Listed portion:	¹	COARUA20b_A	Mainstem of Fourmile Creek, including all tributaries and wetlands, from the confluence with Long Gulch to the confluence with the Arkansas River.			
		Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
		Water Supply Use	Arsenic (Total)	3b. - M&E list	M&E / New	NA
		Aquatic Life Use	Selenium (Dissolved)	3b. - M&E list	M&E / New	NA
		Water Supply Use	Sulfate	3b. - M&E list	M&E / New	NA
COARUA21a		21a. Mainstem of Cripple Creek from the source to a point 1.5 miles upstream of the confluence with Fourmile Creek.				
Listed portion:	¹	COARUA21a_B	Mainstem of Cripple Creek from Squaw Creek to a point 1.5 miles upstream of the confluence with Fourmile Creek.			
		Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
		Aquatic Life Use	Macroinvertebrates (Provisional)	1. - All attaining	303(d) / Remove	L
COARUA24		24. Mainstem of East and West Beaver Creeks, including all tributaries and wetlands, from the source to the confluence with Beaver Creek; mainstem of Beaver Creek from the source to the point of diversion to Brush Hollow Reservoir.				
Listed portion:	¹	COARUA24_B	East Beaver Creek below Penrose Reservoir			
		Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
		Water Supply Use	Manganese (Dissolved)	1. - All attaining	M&E / Remove	NA
COARUA30		30. Turquoise Reservoir, Clear Creek Reservoir, Twin Lakes and Mt. Elbert Forebay.				
Listed portion:	¹	COARUA30_B	Twin Lake West			
		Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
		Aquatic Life Use	Copper (Dissolved)	5. - 303(d)	Retain	H
COARUA35		35. DeWeese Reservoir.				
Listed portion:	¹	COARUA35_A	DeWeese Reservoir.			
		Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
		Water Supply Use	Arsenic (Total)	3b. - M&E list	Retain	NA
		Aquatic Life Use	Total Phosphorus	3b. - M&E list	Retain	H
		Aquatic Life Use	Dissolved Oxygen	5. - 303(d)	Retain	H

COARUA38 38. All lakes and reservoirs tributary to the mainstem of East and West Beaver Creeks from the source to the confluence with Beaver Creek. This segment includes Skagway and Bison Reservoirs.

Listed portion:	¹	COARUA38_B	Skagway Reservoir		
Impaired Use	Analyte	Category / List	Proposed Action	Priority	
Water Supply Use	Arsenic (Total)	3b. - M&E list	Retain	NA	
Water Supply Use	Iron (Dissolved)	3b. - M&E list	Retain	NA	
Water Supply Use	Manganese (Dissolved)	3b. - M&E list	Retain	NA	

COARUA40 40. Brush Hollow Reservoir.

Listed portion:	¹	COARUA40_A	Brush Hollow Reservoir.		
Impaired Use	Analyte	Category / List	Proposed Action	Priority	
Aquatic Life Use	Fish (Mercury)	5. - 303(d)	Retain	H	

COGULD02 2. Mainstem of the Dolores River from the Highway 141 road crossing near Slick Rock to the Colorado/Utah border.

Listed portion:	¹	COGULD02_B	Mainstem of Dolores River from Big Gypsum Creek to East Paradox Creek.		
Impaired Use	Analyte	Category / List	Proposed Action	Priority	
Recreational Use	E. coli	1. - All attaining	M&E / Remove	NA	
Aquatic Life Use	Macroinvertebrates	3b. - M&E list	M&E / New	NA	
Aquatic Life Use	Temperature	5. - 303(d)	303(d) / New	H	
Aquatic Life Use	Iron (Total)	5. - 303(d)	Retain	H	

Listed portion:	¹	COGULD02_C	Mainstem of Dolores River from East Paradox Creek to the San Miguel River.		
Impaired Use	Analyte	Category / List	Proposed Action	Priority	
Recreational Use	E. coli	1. - All attaining	M&E / Remove	NA	
Aquatic Life Use	Macroinvertebrates	3b. - M&E list	M&E / New	NA	
Water Supply Use	Cl	5. - 303(d)	303(d) / New	L	
Aquatic Life Use	Iron (Total)	5. - 303(d)	Retain	H	
Aquatic Life Use	Temperature	5. - 303(d)	Retain	H	

Listed portion:	¹	COGULD02_D	Mainstem of the Dolores River Above Big Gypsum Creek		
Impaired Use	Analyte	Category / List	Proposed Action	Priority	
Aquatic Life Use	Temperature	1. - All attaining	303(d) / Remove	H	
Recreational Use	E. coli	1. - All attaining	M&E / Remove	NA	
Aquatic Life Use	Macroinvertebrates	3b. - M&E list	M&E / New	NA	
Aquatic Life Use	Iron (Total)	5. - 303(d)	Retain	H	

Listed portion:	¹	COGULD02_E	Mainstem of Dolores River below the confluence with the San Miguel River.		
Impaired Use	Analyte	Category / List	Proposed Action	Priority	
Recreational Use	E. coli	1. - All attaining	M&E / Remove	NA	
Aquatic Life Use	Macroinvertebrates	3b. - M&E list	M&E / New	NA	
Aquatic Life Use	Iron (Total)	5. - 303(d)	Retain	H	
Aquatic Life Use	Temperature	5. - 303(d)	Retain	NA	

COGULD03a 3a. All tributaries to the Dolores River, including all wetlands, from the bridge at Bradfield Ranch (Forest Route 505, near Montezuma/Dolores County Line) to the Colorado/Utah border, except for specific listings in Segments 3b, 3c, 4, 5, and 6.

Listed portion:	¹	COGULD03a_B	Disappointment Creek		
Impaired Use	Analyte	Category / List	Proposed Action	Priority	
Recreational Use	E. coli	1. - All attaining	M&E / Remove	NA	
Aquatic Life Use	Selenium (Dissolved)	3b. - M&E list	Retain	NA	
Aquatic Life Use	Iron (Total)	3b. - M&E list	M&E / New	NA	
Water Supply Use	Nitrate	3b. - M&E list	M&E / New	NA	
Water Supply Use	Sulfate	3b. - M&E list	M&E / New	NA	

COGULD04 4. Mainstem of West Paradox Creek from the Manti-La Sal National Forest boundary to the confluence with the Dolores River. Mainstem and all tributaries to Blue Creek from the Uncompahgre National Forest boundary to the confluence with the Dolores River.

Listed portion:	¹	COGULD04_B	Mainstem of West Paradox Creek		
Impaired Use	Analyte	Category / List	Proposed Action	Priority	
Aquatic Life Use	Iron (Total)	3b. - M&E list	Retain	NA	
Recreational Use	E. coli	3b. - M&E list	Retain	NA	

COGULD05 5. Mainstem of West Creek from the source to the confluence with the Dolores River. Roc Creek including all tributaries and wetlands from the Manti-La Sal National Forest boundary to the confluence with the Dolores River. La Sal Creek, including all tributaries and wetlands, from the Utah/Colorado border to the confluence with the Dolores River. Mesa Creek, including all tributaries and wetlands, from the Uncompahgre National Forest boundary to the confluence with the Dolores River.

Listed portion:	¹	COGULD05_B	Roc Creek and its tributaries		
Impaired Use	Analyte	Category / List	Proposed Action	Priority	
Recreational Use	E. coli	3b. - M&E list	Retain	NA	
Aquatic Life Use	Copper (Dissolved)	5. - 303(d)	Retain	H	
Aquatic Life Use	Iron (Total)	5. - 303(d)	Retain	H	

Listed portion:	¹	COGULD05_D	Mesa Creek and tributaries.		
Impaired Use	Analyte	Category / List	Proposed Action	Priority	
Water Supply Use	Arsenic (Total)	5. - 303(d)	Change from M&E to 303(d)	H	

Listed portion:	¹	COGULD05_E	Mainstem of West Creek from the source to the confluence with the Dolores River.		
Impaired Use	Analyte	Category / List	Proposed Action	Priority	
Aquatic Life Use	Iron (Total)	3b. - M&E list	M&E / New	NA	
Aquatic Life Use	Macroinvertebrates (Provisional)	5. - 303(d)	303(d) / New	H	

COGULG01 1. Mainstem of the Gunnison River from the outlet of Crystal Reservoir to a point immediately above the confluence with the Uncompahgre River.

Listed portion:	¹	COGULG01_C	Mainstem of the Gunnison River from North Fork to Highway 55.		
Impaired Use	Analyte	Category / List	Proposed Action	Priority	
Aquatic Life Use	Selenium (Dissolved)	4a. - TMDL	Retain	NA	

COGULG02	2. Mainstem of the Gunnison River from a point immediately above the confluence with the Uncompahgre River to the confluence with the Colorado River.					
Listed portion:	¹	COGULG02_A	Mainstem of the Gunnison River from a point immediately above the confluence with the Uncompahgre River to the confluence with the Colorado River.			
		Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
		Aquatic Life Use	Sediment	3b. - M&E list	Retain	NA
		Aquatic Life Use	Selenium (Dissolved)	4a. - TMDL	Retain	NA
		Recreational Use	E. coli	5. - 303(d)	Retain	H
		Aquatic Life Use	Iron (Total)	5. - 303(d)	303(d) / New	H
		Water Supply Use	Manganese (Dissolved)	5. - 303(d)	303(d) / New	L
		Water Supply Use	Sulfate	5. - 303(d)	303(d) / New	L
Listed portion:	¹	COGULG02_B	Mainstem of the Gunnison River from Highway 65 to a point immediately above the confluence with the Uncompahgre River.			
		Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
		Aquatic Life Use	Sediment	3b. - M&E list	Retain	H
		Aquatic Life Use	Selenium (Dissolved)	4a. - TMDL	Retain	NA
		Recreational Use	E. coli	5. - 303(d)	Retain	H
		Aquatic Life Use	Iron (Total)	5. - 303(d)	303(d) / New	H
		Water Supply Use	Manganese (Dissolved)	5. - 303(d)	303(d) / New	L
		Water Supply Use	Sulfate	5. - 303(d)	303(d) / New	L
COGULG04a	4a. All tributaries to the Gunnison River, including all wetlands which are not within national forest boundaries, from the outlet of Crystal Reservoir to the confluence with the Colorado River, except for specific listings in the North Fork of the Gunnison River sub-basin, the Uncompahgre River sub-basin, and in Segments 3, 4b, 4c, 5 through 10, 12 and 13.					
Listed portion:	¹	COGULG04a_B	Callow Creek			
		Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
		Water Supply Use	Sulfate	1. - All attaining	M&E / Remove	NA
		Recreational Use	E. coli	3b. - M&E list	Retain	NA
		Aquatic Life Use	Selenium (Dissolved)	4a. - TMDL	Retain	NA
		Water Supply Use	Selenium (Dissolved)	4a. - TMDL	Retain	NA
Listed portion:	¹	COGULG04a_C	Cummings Gulch			
		Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
		Aquatic Life Use	Selenium (Dissolved)	4a. - TMDL	Retain	NA
		Water Supply Use	Selenium (Dissolved)	4a. - TMDL	Retain	NA
		Water Supply Use	Sulfate	5. - 303(d)	Change from M&E to 303(d)	NA
		Aquatic Life Use	Iron (Total)	5. - 303(d)	303(d) / New	M
Listed portion:	¹	COGULG04a_D	Whitewater Creek from below Brandon Ditch to confluence with Gunnison River			
		Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
		Aquatic Life Use	Selenium (Dissolved)	4a. - TMDL	Retain	NA
		Water Supply Use	Selenium (Dissolved)	4a. - TMDL	Retain	NA
		Water Supply Use	Manganese (Dissolved)	5. - 303(d)	Retain	L
		Water Supply Use	Sulfate	5. - 303(d)	Retain	L

Listed portion:	¹	COGULG04a_E	Wells Gulch			
		Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
		Aquatic Life Use	pH	3b. - M&E list	Retain	NA
		Water Supply Use	Manganese (Dissolved)	3b. - M&E list	M&E / New	NA
		Aquatic Life Use	Selenium (Dissolved)	4a. - TMDL	Retain	NA
		Water Supply Use	Selenium (Dissolved)	4a. - TMDL	Retain	NA
Listed portion:	¹	COGULG04a_F	Peach Valley Creek			
		Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
		Aquatic Life Use	Iron (Total)	3b. - M&E list	Change from M&E to 303(d)	NA
		Aquatic Life Use	Selenium (Dissolved)	4a. - TMDL	Retain	NA
		Water Supply Use	Sulfate	5. - 303(d)	Change from M&E to 303(d)	NA
Listed portion:	¹	COGULG04a_I	All tributaries to the Gunnison River, including all wetlands which are not within national forest boundaries, from the outlet of Crystal Reservoir to the confluence with the Colorado River, except for specific listings in the North Fork of the Gunnison River sub-basin, the Uncompahgre River sub-basin, Segments (3, 4b, 4c, 5 through 8b, 10a, 10b, and 12), Callow Ck, Cummings Gulch, Whitewater CK blw Brandon Ditch, Wells Gulch, and Peach Valley Ck.that have a TMDL			
		Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
		Aquatic Life Use	Selenium (Dissolved)	4a. - TMDL	Retain	NA
		Water Supply Use	Selenium (Dissolved)	4a. - TMDL	Retain	NA
COGULG04b		4b. All tributaries to Reeder, Hollenbeck, and Juniata Reservoirs, and the mainstem of Kannah Creek below the point of diversion for public water supply.				
Listed portion:	¹	COGULG04b_B	Mainstem of Kannah Creek			
		Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
		Water Supply Use	Sulfate	1. - All attaining	M&E / Remove	NA
		Aquatic Life Use	Selenium (Dissolved)	4a. - TMDL	Retain	NA
		Water Supply Use	Selenium (Dissolved)	4a. - TMDL	Retain	NA
COGULG04c		4c. Mainstem of Red Rock Creek from the boundary of Black Canyon of the Gunnison National Park to the confluence of the Gunnison River.				
Listed portion:	¹	COGULG04c_A	Mainstem of Red Rock Creek from the boundary of Black Canyon of the Gunnison National Park to the confluence of the Gunnison River.			
		Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
		Aquatic Life Use	Selenium (Dissolved)	4a. - TMDL	Retain	NA
		Water Supply Use	Selenium (Dissolved)	4a. - TMDL	Retain	NA
		Recreational Use	E. coli	5. - 303(d)	303(d) / New	H
COGULG07a		7a. Mainstem of Ward Creek, from the national forest boundary to the confluence with Dirty George Creek.				
Listed portion:	¹	COGULG07a_A	Mainstem of Ward Creek, from the national forest boundary to the confluence with Dirty George Creek.			
		Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
		Aquatic Life Use	Selenium (Dissolved)	1. - All attaining	M&E / Remove	NA

COGULG07b	7b. Mainstem of Surface Creek from the point of diversion of water supply to the confluence with Tongue Creek; mainstem of Tongue Creek from its inception at the confluence of Ward Creek and Dirty George Creek to the confluence with the Gunnison River; mainstem of Youngs Creek from the national forest boundary to the confluence with Kiser Creek; mainstem of Kiser Creek from the national forest boundary to the confluence with Youngs Creek.				
Listed portion:	¹ COGULG07b_C	Mainstem of Tongue Creek from its inception at the confluence of Ward Creek and Dirty George Creek to the confluence with the Gunnison River			
	Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
	Aquatic Life Use	Selenium (Dissolved)	5. - 303(d)	Retain	H
	Aquatic Life Use	Iron (Total)	5. - 303(d)	Retain	H
	Water Supply Use	Sulfate	5. - 303(d)	303(d) / New	L
Listed portion:	¹ COGULG07b_D	Mainstem of Surface Creek from the point of diversion of water supply to the confluence with Tongue Creek			
	Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
	Aquatic Life Use	Lead (Dissolved)	1. - All attaining	M&E / Remove	NA
COGULG08a	8a. Mainstem of Surface Creek, including all tributaries, from the national forest boundary to the point of diversion for public water supply (38.965216, -107.876031).				
Listed portion:	¹ COGULG08a_A	Mainstem of Surface Creek including all tributaries, from the national forest boundary to the point of diversion for public water supply.			
	Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
	Aquatic Life Use	Temperature	1. - All attaining	M&E / Remove	NA
COGULG08b	8b. Mainstem of Kannah Creek, including all tributaries, from the national forest boundary to the point of diversion for public water supply (38.961321, -108.229830).				
Listed portion:	¹ COGULG08b_A	Mainstem and tributaries of Kannah Creek from the national forest boundary to the point of the first diversion for the public water supply			
	Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
	Aquatic Life Use	Temperature	1. - All attaining	M&E / Remove	NA
COGULG09	9. Fruitgrowers Reservoir.				
Listed portion:	¹ COGULG09_A	Fruitgrowers Reservoir.			
	Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
	Aquatic Life Use	Dissolved Oxygen	4a. - TMDL	Retain	NA
COGULG11b	11b. All tributaries to the Smith Fork, including all wetlands, which are within the West Elk Wilderness Area.				
Listed portion:	¹ COGULG11b_B	Lunch Creek.			
	Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
	Aquatic Life Use	Sediment	3b. - M&E list	Retain	NA

COGULG12 12. All tributaries to the Smith Fork, including all wetlands, which are not within national forest boundaries, except for the specific listing in Segment 11a.

Listed portion:	¹	COGULG12_B	Muddy Creek.			
		Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
		Recreational Use	E. coli	3b. - M&E list	Retain	NA
		Aquatic Life Use	Iron (Total)	5. - 303(d)	303(d) / New	M
		Water Supply Use	Manganese (Dissolved)	5. - 303(d)	303(d) / New	L
		Water Supply Use	Sulfate	5. - 303(d)	303(d) / New	L

COGULG13 13. Crawford Reservoir.

Listed portion:	¹	COGULG13_A Crawford Reservoir.				
		Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
		Aquatic Life Use	D.O.(Temp)	1. - All attaining	303(d) / Remove	NA

COGULG15 15. Island Lake, Eggleston Lake, and Trickle Park Reservoir (aka Park Reservoir).

Listed portion:	¹	COGULG15_B				Eggleston Lake	
		Impaired Use	Analyte	Category / List	²	Proposed Action	Priority
		Aquatic Life Use	Zinc (Dissolved)	1. - All attaining		303(d) / Remove	NA
		Aquatic Life Use	pH	5. - 303(d)		Change from M&E to 303(d)	H
		Aquatic Life Use	Iron (Total)	5. - 303(d)		Retain	H

COGULG16 16. All lakes and reservoirs that are tributary to the Gunnison River, from the outlet of Crystal Reservoir to the confluence with the Colorado River, and not within national forest boundaries, excluding the listings in the North Fork of the Gunnison sub-basin, the Uncompahgre River sub-basin, and Segments 9, 13, and 19. This segment includes Poison Springs Reservoir, Dry Fork Reservoir, Delta Reservoir, Winkler Reservoir, Desert Reservoir, Alkali Reservoir, Cheney Reservoir, Juniata Reservoir, Hallenbeck Reservoir, Reeder Reservoir, Enochs Lake, Gobbo Reservoir, Schrader Reservoir, and King Reservoir.

Listed portion:	¹	COGULG16_B	Jatz Bottomlands.			
		Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
		Aquatic Life Use	Selenium (Dissolved)	3b. - M&E list	Retain	NA

Listed portion:	¹	COGULG16_C Maggio Ponds				
		Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
		Water Supply Use	Arsenic (Total)	3b. - M&E list	M&E / New	H

Listed portion:	¹	COGULG16_D	Peters Ponds 1, 2, 3, and 4.			
		Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
		Aquatic Life Use	Selenium (Dissolved)	3b. - M&E list	303(d) / New	H

COGUNF03	3. Mainstem of North Fork of the Gunnison River from the Black Bridge (41.75 Drive) above Paonia to the confluence with the Gunnison River.					
Listed portion:	¹	COGUNF03_B	Mainstem of North Fork of the Gunnison River from the Black Bridge (41.75 Drive) above Paonia to the confluence with the unnamed tributary east of Lazear Colorado.			
		Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
		Aquatic Life Use	Temperature	3b. - M&E list	M&E / New	NA
		Water Supply Use	Manganese (Dissolved)	5. - 303(d)	303(d) / New	L
Listed portion:	¹	COGUNF03_C	Mainstem of North Fork of the Gunnison River from the unnamed tributary east of Lazear Colorado to the confluence with the Gunnison River.			
		Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
		Aquatic Life Use	Temperature	3b. - M&E list	M&E / New	NA
		Aquatic Life Use	Selenium (Dissolved)	4a. - TMDL	Retain	NA
		Water Supply Use	Manganese (Dissolved)	5. - 303(d)	303(d) / New	L
COGUNF04a	4a. Tributaries and wetlands to Muddy Creek within national forest boundaries. Anthracite Creek, including all tributaries and wetlands, from the source to the confluence with Muddy Creek. All tributaries to the North Fork of the Gunnison from its inception at the confluence of Muddy Creek and Anthracite Creek to the confluence with the Gunnison River within national forest boundaries. This segment excludes the specific listings in Segments 1 and 4c.					
Listed portion:	¹	COGUNF04a_B	Ruby Anthracite Creek and its tributaries in the National forest except for the tributaries to Lake Irwin.			
		Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
		Water Supply Use	Arsenic (Total)	5. - 303(d)	Retain	L
COGUNF04b	4b. Muddy Creek, including all tributaries and wetlands, from the national forest boundary to the confluence with Anthracite Creek, except for the specific listings in Segment 1.					
Listed portion:	¹	COGUNF04b_B	East Muddy Creek From Forest Boundry to Confluence with Muddy Creek.			
		Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
		Aquatic Life Use	Lead (Dissolved)	3b. - M&E list	Retain	NA
		Aquatic Life Use	Selenium (Dissolved)	3b. - M&E list	Retain	NA
		Aquatic Life Use	Iron (Total)	5. - 303(d)	Retain	H
		Water Supply Use	Arsenic (Total)	5. - 303(d)	303(d) / New	H
Listed portion:	¹	COGUNF04b_C	Mainstem of Muddy Creek to Anthracite Creek			
		Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
		Recreational Use	E. coli	3b. - M&E list	Retain	NA
		Aquatic Life Use	Temperature	3b. - M&E list	M&E / New	H
		Aquatic Life Use	Iron (Total)	5. - 303(d)	303(d) / New	H
		Water Supply Use	Arsenic (Total)	5. - 303(d)	303(d) / New	H

COGUNF04c	4c. All tributaries to Lake Irwin from their sources to the inlet of Lake Irwin.					
Listed portion:	¹	COGUNF04c_A	All tributaries to Lake Irwin.			
		Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
		Aquatic Life Use	Dissolved Oxygen	3b. - M&E list	M&E / New	NA
		Aquatic Life Use	Silver (Dissolved)	5. - 303(d)	303(d) / New	H
		Aquatic Life Use	Cadmium (Dissolved)	5. - 303(d)	303(d) / New	H
		Aquatic Life Use	Zinc (Dissolved)	5. - 303(d)	303(d) / New	H
COGUNF05a	5a. Mainstems of Hubbard Creek, Terror Creek, Minnesota Creek, and Leroux Creek from the national forest boundary to their confluences with the North Fork of the Gunnison River; mainstem of Jay Creek from its source to its confluence with the North Fork of the Gunnison River.					
Listed portion:	¹	COGUNF05a_C	Mainstem of Jay Creek.			
		Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
		Aquatic Life Use	Selenium (Dissolved)	4a. - TMDL	Retain	NA
COGUNF05b	5b Mainstem of Roatcap Creek, including all tributaries and wetlands, from the source to the confluence with the North Fork of the Gunnison.					
Listed portion:	¹	COGUNF05b_B	Mainstem of Leroux Creek from the forest to the confluence with North Fork of the Gunnison River.			
		Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
		Aquatic Life Use	Selenium (Dissolved)	4a. - TMDL	Retain	NA
COGUNF06a	6a. All tributaries, including wetlands, to the North Fork of the Gunnison River from its inception at the confluence of Muddy Creek and Coal Creek to the confluence with the Gunnison River, and not within national forest boundaries, except for the specific listings in Segments 5a, 5b, and 6b.					
Listed portion:	¹	COGUNF06a_B	Unnamed tributary to North Fork Gunnison River near Hotchkiss			
		Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
		Aquatic Life Use	Selenium (Dissolved)	3b. - M&E list	Retain	NA
Listed portion:	¹	COGUNF06a_C	Coal Gulch, Hawksnest Creek, and Gribble Gulch			
		Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
		Aquatic Life Use	Iron (Total)	3b. - M&E list	Retain	NA
COGUNF06b	6b. Mainstem and all tributaries to Bear Creek and Stevens Gulch. All tributaries, including wetlands, to the North Fork of the Gunnison River that are north of the North Fork of the Gunnison River, from a point immediately above the confluence with Roatcap Creek to the confluence with the Gunnison River, and are not within national forest boundaries; all tributaries, including wetlands, to the North Fork of the Gunnison River that are south of the North Fork of the Gunnison River, from a point immediately above the confluence with Minnesota Creek to the confluence with the Gunnison River, and are not within national forest boundaries, excluding the specific listings in Segments 5a and 5b.					
Listed portion:	¹	COGUNF06b_A	Mainstem and all tributaries to Bear, Reynolds, Bell, McDonald, Cow, Dever, German and Miller Creeks; and Love, Stevens, Big and Stingley Gulches that are not within national forest boundaries, from the source to the North Fork of the Gunnison River, excluding the specific listings in Segments 5a and 5b.			
		Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
		Aquatic Life Use	Selenium (Dissolved)	5. - 303(d)	303(d) / New	M

Listed portion:	¹ COGUNF06b_B Cottonwood Creek	Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
		Aquatic Life Use	Selenium (Dissolved)	4a. - TMDL	Retain	NA
		Aquatic Life Use	Iron (Total)	5. - 303(d)	Change from M&E to 303(d)	NA
		Water Supply Use	Sulfate	5. - 303(d)	Change from M&E to 303(d)	NA
		Water Supply Use	Manganese (Dissolved)	5. - 303(d)	Change from M&E to 303(d)	NA
Listed portion:	¹ COGUNF06b_C Alum Gulch	Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
		Aquatic Life Use	Iron (Total)	5. - 303(d)	Change from M&E to 303(d)	NA
		Water Supply Use	Sulfate	5. - 303(d)	Retain	L
		Water Supply Use	Iron (Dissolved)	5. - 303(d)	303(d) / New	L
		Water Supply Use	Arsenic (Total)	5. - 303(d)	303(d) / New	H
		Water Supply Use	Manganese (Dissolved)	5. - 303(d)	303(d) / New	L
Listed portion:	¹ COGUNF06b_D Big Gulch	Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
		Aquatic Life Use	Selenium (Dissolved)	4a. - TMDL	Retain	NA
Listed portion:	¹ COGUNF06b_E Short Draw	Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
		Aquatic Life Use	Selenium (Dissolved)	4a. - TMDL	Retain	NA
Listed portion:	¹ COGUNF06b_F Bell Creek and its tributaries	Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
		Aquatic Life Use	Selenium (Dissolved)	4a. - TMDL	Retain	NA
COGUNF07		7. Paonia Reservoir and Overland Reservoir.				
Listed portion:	¹ COGUNF07_B Paonia Reservoir	Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
		Aquatic Life Use	Zinc (Dissolved)	3b. - M&E list	Retain	NA
COGUNF09		9. All lakes and reservoirs tributary to Muddy Creek, Paonia Reservoir, or Coal Creek. All lakes and reservoirs tributary to the North Fork of the Gunnison River from its inception at the confluence with Muddy Creek and Coal Creek to the confluence with the Gunnison River, and within national forest boundaries, excluding the specific listing in Segments 7 and 8. This segment includes Island Lake, Aspen Leaf Reservoir, Floating Lake, Tomahawk Reservoir, Dollar Lake, Lost Lake, Lost Lake Slough, Terror Creek Reservoir, Minnesota Reservoir, Beaver Reservoir, Lone Cabin Reservoir, Todd Reservoir, Holy Terror Reservoir (aka Eagle River Reservoir), Goodenough Reservoir, Dogfish Reservoir, Hilltop Reservoir, Willow Reservoir, Doughty Reservoir, Reynolds Reservoir, Hanson Reservoir, Bailey Reservoir, Owens Reservoir, Gray Reservoir, and Patterson Reservoirs.				
Listed portion:	¹ COGUNF09_B Island Lake.	Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
		Aquatic Life Use	pH	1. - All attaining	303(d) / Remove	NA
		Aquatic Life Use	Zinc (Dissolved)	1. - All attaining	303(d) / Remove	NA

COGUSM02	2. All tributaries, including all wetlands, to the San Miguel River from its sources to a point immediately below the confluence of Leopard Creek, with the exceptions listed in Segments 1, 6a, 6b, 7 and 8.				
Listed portion:	¹ COGUSM02_B	Bear Creek			
	Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
	Aquatic Life Use	Cadmium (Dissolved)	1. - All attaining	303(d) / Remove	H
	Aquatic Life Use	Lead (Dissolved)	1. - All attaining	M&E / Remove	NA
	Aquatic Life Use	Zinc (Dissolved)	1. - All attaining	303(d) / Remove	H
Listed portion:	¹ COGUSM02_C	Cornet Creek			
	Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
	Aquatic Life Use	Lead (Dissolved)	1. - All attaining	M&E / Remove	NA
	Water Supply Use	Arsenic (Total)	5. - 303(d)	303(d) / New	H
Listed portion:	¹ COGUSM02_D	Howard Fork above Swamp Canyon.			
	Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
	Aquatic Life Use	Dissolved Oxygen	5. - 303(d)	Retain	H
	Aquatic Life Use	pH	5. - 303(d)	Retain	H
Listed portion:	¹ COGUSM02_E	Muddy Creek and its tributaries			
	Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
	Aquatic Life Use	Dissolved Oxygen	3b. - M&E list	M&E / New	NA
COGUSM03a	3a. Mainstem of the San Miguel River from its inception at the confluence of Bridal Veil and Ingram Creeks to a point immediately above the confluence of Marshall Creek.				
Listed portion:	¹ COGUSM03a_A	Mainstem of the San Miguel River from its inception at the confluence of Bridal Veil and Ingram Creeks to a point immediately above the confluence of Marshall Creek.			
	Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
	Aquatic Life Use	Cadmium (Dissolved)	4a. - TMDL	Retain	NA
	Aquatic Life Use	Zinc (Dissolved)	4a. - TMDL	Retain	NA
COGUSM03b	3b. Mainstem of the San Miguel River from a point immediately above the confluence of Marshall Creek to a point immediately above the confluence of the South Fork San Miguel River.				
Listed portion:	¹ COGUSM03b_A	Mainstem of the San Miguel River from a point immediately above the confluence of Marshall Creek to a point immediately above the confluence of the South Fork San Miguel River.			
	Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
	Aquatic Life Use	Lead (Dissolved)	1. - All attaining	M&E / Remove	NA
	Aquatic Life Use	Temperature	3b. - M&E list	M&E / New	NA
	Aquatic Life Use	Cadmium (Dissolved)	4a. - TMDL	Retain	NA
	Aquatic Life Use	Sediment	4a. - TMDL	Retain	NA
	Aquatic Life Use	Zinc (Dissolved)	4a. - TMDL	Retain	NA

COGUSM04a	4a. Mainstem of the San Miguel River from a point immediately above the confluence of the South Fork of the San Miguel River to a point immediately below the CC ditch.				
Listed portion:	¹ COGUSM04a_B	Mainstem of the San Miguel River from South Fork San Miguel to confluence with Leopard Creek.			
	Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
	Aquatic Life Use	Lead (Dissolved)	1. - All attaining	M&E / Remove	NA
COGUSM06a	6a. Mainstem of Ingram Creek including, all tributaries and wetlands, from the source to the confluence with the San Miguel River.				
Listed portion:	¹ COGUSM06a_A	Mainstem of Ingram Creek including, all tributaries and wetlands, from the source to the confluence with the San Miguel River.			
	Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
	Aquatic Life Use	Cadmium (Dissolved)	4a. - TMDL	Retain	NA
	Aquatic Life Use	Zinc (Dissolved)	4a. - TMDL	Retain	NA
	Aquatic Life Use	Copper (Dissolved)	5. - 303(d)	Change from M&E to 303(d)	NA
	Aquatic Life Use	Manganese (Dissolved)	5. - 303(d)	Change from M&E to 303(d)	NA
	Water Supply Use	Manganese (Dissolved)	5. - 303(d)	Change from M&E to 303(d)	M
COGUSM06b	6b. Mainstem of Marshall Creek, including all tributaries and wetlands, from the source to the confluence with the San Miguel River.				
Listed portion:	¹ COGUSM06b_A	Mainstem of Marshall Creek, including all tributaries and wetlands, from the source to the confluence with the San Miguel River.			
	Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
	Aquatic Life Use	Lead (Dissolved)	3b. - M&E list	M&E / New	NA
	Aquatic Life Use	Cadmium (Dissolved)	4a. - TMDL	Retain	NA
	Aquatic Life Use	Zinc (Dissolved)	4a. - TMDL	Retain	NA
	Aquatic Life Use	Copper (Dissolved)	5. - 303(d)	Change from M&E to 303(d)	NA
COGUSM07	7. Mainstem of the Howard Fork and, all tributaries, and wetlands, from a point immediately below the confluence of Swamp Gulch to its confluence with the South Fork of the San Miguel River.				
Listed portion:	¹ COGUSM07_A	Mainstem of the Howard Fork, all tributaries and wetlands, from the Swamp Gulch to the South Fork of the San Miguel River, excluding the Chapman Creek and the Iron Bog Creek.			
	Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
	Aquatic Life Use	Macroinvertebrates (Provisional)	5. - 303(d)	303(d) / New	H
Listed portion:	¹ COGUSM07_B	Chapman Creek and its tributaries			
	Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
	Aquatic Life Use	Iron (Total)	3b. - M&E list	Retain	NA
	Aquatic Life Use	Macroinvertebrates (Provisional)	5. - 303(d)	303(d) / New	H
Listed portion:	¹ COGUSM07_C	Iron Bog Creek and its tributaries			
	Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
	Aquatic Life Use	Dissolved Oxygen	3b. - M&E list	Retain	NA
	Aquatic Life Use	pH	3b. - M&E list	Retain	NA
	Aquatic Life Use	Macroinvertebrates (Provisional)	5. - 303(d)	303(d) / New	H

COGUSM08	8. Mainstem of the South Fork of the San Miguel River from its inception at the confluence of the Howard and Lake Forks to its confluence with the San Miguel River.				
Listed portion:	¹ COGUSM08_A	Mainstem of the South Fork of the San Miguel River from its inception at the confluence of the Howard and Lake Forks to its confluence with the San Miguel River.			
	Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
	Water Supply Use	Manganese (Dissolved)	3b. - M&E list	Retain	NA
	Water Supply Use	Arsenic (Total)	5. - 303(d)	303(d) / New	H
COGUSM10b	10b. Mainstem of Naturita Creek and Tabeguache Creek from the Uncompahgre National Forest to the confluence with the San Miguel River.				
Listed portion:	¹ COGUSM10b_B	Mainstem of Naturita Creek from the national forest to the confluence with the San Miguel River.			
	Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
	Aquatic Life Use	Temperature	1. - All attaining	303(d) / Remove	H
	Aquatic Life Use	Dissolved Oxygen	3b. - M&E list	Retain	NA
	Recreational Use	E. coli	3b. - M&E list	Retain	NA
COGUSM12a	12a. All tributaries and wetlands to the San Miguel River from a point immediately below the confluence of Leopard Creek to a point immediately above Naturita Creek with the exceptions listed in Segments 9, 10, 11a, and 11b.				
Listed portion:	¹ COGUSM12a_B	Stink Hole Draw			
	Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
	Aquatic Life Use	Selenium (Dissolved)	1. - All attaining	M&E / Remove	NA
Listed portion:	¹ COGUSM12a_D	Specie Creek and its tributaries			
	Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
	Aquatic Life Use	Dissolved Oxygen	1. - All attaining	M&E / Remove	NA
	Water Supply Use	Arsenic (Total)	5. - 303(d)	303(d) / New	H
Listed portion:	¹ COGUSM12a_E	McKenzie Creek			
	Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
	Aquatic Life Use	Macroinvertebrates (Provisional)	5. - 303(d)	Retain	L
Listed portion:	¹ COGUSM12a_F	All tributaries to Naturita Creek. All tributaries and wetlands to the San Miguel River from a point immediately below the confluence with Leopard Creek to a point immediately above Horsefly Creek. The segment excludes Segments 9, 11a, 11b, 12b, and 12c.			
	Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
	Aquatic Life Use	Selenium (Dissolved)	1. - All attaining	M&E / Remove	NA
COGUSM12b	12b. All tributaries and wetlands to the San Miguel River from a point immediately above Naturita Creek to the confluence with the Dolores River, excluding the listings in Segments 9, 10, 11a, and 11b.				
Listed portion:	¹ COGUSM12b_A	All tributaries and wetlands to the San Miguel River from a point immediately above Naturita Creek to the confluence with the Dolores River, excluding the listings in Segments 9, 10, 11a, and 11b.			
	Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
	Aquatic Life Use	Temperature	1. - All attaining	M&E / Remove	NA

Listed portion:	¹	COGUSM12b_C	All tributaries and wetlands to the San Miguel River from a point immediately above Horsefly Creek to the confluence with the Dolores River, excluding the listings in Segments 9, 11a, 12a, and 12c.					
				Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
				Aquatic Life Use	Temperature	1. - All attaining	M&E / Remove	NA
Listed portion:	¹	COGUSM12b_D	Mainstem of Maverick Draw					
				Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
				Aquatic Life Use	Temperature	1. - All attaining	M&E / Remove	NA
				Aquatic Life Use	Macroinvertebrates (Provisional)	5. - 303(d)	Retain	L
Listed portion:	¹	COGUSM12b_F	Coal Canyon and its tributaries					
				Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
				Aquatic Life Use	Temperature	1. - All attaining	M&E / Remove	NA
				Water Supply Use	Arsenic (Total)	3b. - M&E list	M&E / New	NA
				Aquatic Life Use	Iron (Total)	3b. - M&E list	M&E / New	NA
Listed portion:	¹	COGUSM12b_G	Tuttle Draw and its tributaries					
				Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
				Aquatic Life Use	Temperature	1. - All attaining	303(d) / Remove	NA
				Water Supply Use	Arsenic (Total)	5. - 303(d)	303(d) / New	H
				Aquatic Life Use	Iron (Total)	5. - 303(d)	303(d) / New	M
Listed portion:	¹	COGUSM12b_H	Dry Creek and its tributaries					
				Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
				Water Supply Use	Arsenic (Total)	3b. - M&E list	M&E / New	NA
				Aquatic Life Use	Iron (Total)	3b. - M&E list	M&E / New	NA
				Aquatic Life Use	Temperature	3b. - M&E list	Retain	NA
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COGUSM12c		12c.	Mainstem of Calamity Draw from Lincoln Street in Nucla (38.264075, -108.555087) to the confluence with the San Miguel River.					
Listed portion:	¹	COGUSM12c_A	Calamity Draw below Lincoln Street.					
				Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
				Aquatic Life Use	Temperature	1. - All attaining	M&E / Remove	NA
				Water Supply Use	Arsenic (Total)	5. - 303(d)	303(d) / New	H
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COGUSM14		14.	All lakes and reservoirs tributary to the San Miguel River from its sources to a point immediately below the confluence of Leopard Creek, excluding the listings in Segments 13, 15, 16, 17 and 20. This segment includes Lake Hope, Cushman Lake, Alta Lakes, Blue Lake, Mud Lake, and Woods Lake.					
Listed portion:	¹	COGUSM14_B	Applebaugh Pond					
				Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
				Aquatic Life Use	Dissolved Oxygen	3b. - M&E list	M&E / New	NA
				Aquatic Life Use	Temperature	3b. - M&E list	M&E / New	NA

COGUSM20	20. Trout Lake, Gurley Reservoir, Cone Reservoir, and Miramonte Reservoir.				
Listed portion:	¹ COGUSM20_B	Miramonte Reservoir			
	Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
	Aquatic Life Use	Dissolved Oxygen (Temperature)	5. - 303(d)	Retain	H
COGUUG01	1. All tributaries to the Gunnison River, including and wetlands, within the La Garita, Powderhorn, West Elk, Collegiate Peaks, Maroon Bells, Fossil Ridge, or Uncompahgre Wilderness Areas.				
Listed portion:	¹ COGUUG01_A	All tributaries to the Gunnison River, including wetlands, within the La Garita, Powderhorn, West Elk, Collegiate Peaks, Maroon Bells, Fossil Ridge, or Uncompahgre Wilderness Areas, excluding Stewart Creek.			
	Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
	Water Supply Use	Iron (Dissolved)	3b. - M&E list	M&E / New	NA
	Water Supply Use	Arsenic (Total)	5. - 303(d)	303(d) / New	H
Listed portion:	¹ COGUUG01_B	Stewart Creek			
	Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
	Aquatic Life Use	Iron (Total)	3b. - M&E list	Retain	NA
	Water Supply Use	Iron (Dissolved)	3b. - M&E list	M&E / New	NA
	Aquatic Life Use	Macroinvertebrates	5. - 303(d)	Retain	H
	Water Supply Use	Arsenic (Total)	5. - 303(d)	303(d) / New	H
COGUUG02	2. All tributaries and wetlands from North Beaver Creek to Meyers Gulch, from the West Elk Wilderness boundary to their confluences with Blue Mesa Reservoir, Morrow Point Reservoir, or the Gunnison River, excluding Steuben Creek, North Willow Creek, and Soap Creek.				
Listed portion:	¹ COGUUG02_B	Willow Creek and its tributaries			
	Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
	Aquatic Life Use	Macroinvertebrates (Provisional)	1. - All attaining	303(d) / Remove	L
Listed portion:	¹ COGUUG02_D	Red Creek and Elk Creek and their tributaries.			
	Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
	Aquatic Life Use	Temperature	3b. - M&E list	M&E / New	NA
	Aquatic Life Use	Dissolved Oxygen	5. - 303(d)	303(d) / New	H
	Water Supply Use	Manganese (Dissolved)	5. - 303(d)	303(d) / New	L
COGUUG04	4. Mainstem of the Taylor River, including all tributaries and wetlands, from the source to the confluence with the Gunnison River except for those in Segment 1.				
Listed portion:	¹ COGUUG04_B	Mainstem of Taylor River			
	Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
	Aquatic Life Use	Lead (Dissolved)	1. - All attaining	M&E / Remove	NA
	Water Supply Use	Arsenic (Total)	3b. - M&E list	M&E / New	NA
	Aquatic Life Use	Macroinvertebrates	5. - 303(d)	Retain	H

COGUUG05a	5a. Mainstem of the East River, including all tributaries and wetlands, from its sources to a point immediately above the confluence with the Slate River, except for Segment 1.				
Listed portion:	¹ COGUUG05a_A	Mainstem of the East River, including all tributaries and wetlands, from its sources to a point immediately above the confluence with the Slate River, except for specific listings in Segments 1.			
	Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
	Water Supply Use	Arsenic (Total)	3b. - M&E list	M&E / New	NA
COGUUG07	7. Mainstem of the Slate River from its source to a point immediately above the confluence with Coal Creek.				
Listed portion:	¹ COGUUG07_A	Mainstem of the Slate River from its source to Oh-Be-Joyful Creek.			
	Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
	Water Supply Use	Arsenic (Total)	3b. - M&E list	M&E / New	NA
Listed portion:	¹ COGUUG07_B	Mainstem of the Slate River from Oh-Be-Joyful Creek to a point immediately above the confluence with Coal Creek			
	Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
	Aquatic Life Use	Cadmium (Dissolved)	3b. - M&E list	M&E / New	NA
	Aquatic Life Use	Zinc (Dissolved)	5. - 303(d)	Retain	H
	Aquatic Life Use	Lead (Dissolved)	5. - 303(d)	303(d) / New	H
COGUUG08	8. Mainstem of the Slate River from a point immediately above the confluence with Coal Creek to the confluence with the East River.				
Listed portion:	¹ COGUUG08_A	Mainstem of the Slate River from a point immediately above the confluence with Coal Creek to the confluence with the East River.			
	Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
	Aquatic Life Use	Cadmium (Dissolved)	1. - All attaining	303(d) / Remove	H
	Aquatic Life Use	Temperature	5. - 303(d)	Retain	H
	Aquatic Life Use	Zinc (Dissolved)	5. - 303(d)	Retain	H
COGUUG09	9. All tributaries and wetlands to the Slate River except for specific listings in Segments 1, 10a, 10b, 11, 12 and 13.				
Listed portion:	¹ COGUUG09_B	Mainstem of Coal Creek from source to Elk Creek.			
	Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
	Water Supply Use	Arsenic (Total)	5. - 303(d)	Retain	L
Listed portion:	¹ COGUUG09_C	Mainstem of Washington Gulch			
	Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
	Aquatic Life Use	Temperature	3b. - M&E list	M&E / New	NA
	Aquatic Life Use	Arsenic (Total)	5. - 303(d)	Retain	H
Listed portion:	¹ COGUUG09_D	All tributaries and wetlands to the Slate River, excluding Coal Creek(above Elk Creek) and Washington Gulch.			
	Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
	Aquatic Life Use	Arsenic (Total)	5. - 303(d)	Retain	H

COGUUG10a	10a. Mainstem of Oh-Be-Joyful Creek from the boundary of the Raggeds Wilderness Area to the confluence with Slate River.				
Listed portion:	¹ COGUUG10a_A	Mainstem of Oh-Be-Joyful Creek from the boundary of the Raggeds Wilderness Area to the confluence with the Slate River.			
	Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
	Aquatic Life Use	Copper (Dissolved)	1. - All attaining	303(d) / Remove	H
	Aquatic Life Use	Cadmium (Dissolved)	5. - 303(d)	Retain	H
	Aquatic Life Use	Lead (Dissolved)	5. - 303(d)	Retain	NA
	Aquatic Life Use	Zinc (Dissolved)	5. - 303(d)	Retain	H
	Aquatic Life Use	Macroinvertebrates	5. - 303(d)	303(d) / New	H
COGUUG10b	10b. All tributaries, including wetlands, to Redwell Creek.				
Listed portion:	¹ COGUUG10b_A	All tributaries, including wetlands, to Redwell Creek.			
	Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
	Aquatic Life Use	pH	3b. - M&E list	Retain	NA
	Recreational Use	pH	3b. - M&E list	Retain	NA
	Aquatic Life Use	Silver (Dissolved)	3b. - M&E list	M&E / New	NA
	Aquatic Life Use	Cadmium (Dissolved)	5. - 303(d)	Retain	H
	Aquatic Life Use	Lead (Dissolved)	5. - 303(d)	Retain	H
	Aquatic Life Use	Zinc (Dissolved)	5. - 303(d)	Retain	H
	Aquatic Life Use	Copper (Dissolved)	5. - 303(d)	Retain	H
	Aquatic Life Use	Macroinvertebrates	5. - 303(d)	303(d) / New	H
COGUUG11	11. Mainstem of Coal Creek from a point immediately above the confluence with Elk Creek to a point immediately below the Crested Butte Water Supply intake which is above the confluence with the Mount Emmons/Red Lady Basin drainage; and Elk Creek and its tributaries and wetlands from its source to its confluence with Coal Creek.				
Listed portion:	¹ COGUUG11_B	Elk Creek and its tributaries			
	Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
	Aquatic Life Use	Cadmium (Dissolved)	5. - 303(d)	Retain	H
	Aquatic Life Use	Lead (Dissolved)	5. - 303(d)	Retain	H
	Aquatic Life Use	Zinc (Dissolved)	5. - 303(d)	Retain	H
	Water Supply Use	Arsenic (Total)	5. - 303(d)	Retain	H
Listed portion:	¹ COGUUG11_D	Mainstem of Coal Creek from a point immediately above the confluence with Elk Creek to a point immediately above the Keystone discharge (38.867117, -107.023627) .			
	Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
	Aquatic Life Use	Cadmium (Dissolved)	5. - 303(d)	Retain	H
	Aquatic Life Use	Zinc (Dissolved)	5. - 303(d)	Retain	H
	Water Supply Use	Arsenic (Total)	5. - 303(d)	Retain	L
	Water Supply Use	Manganese (Dissolved)	5. - 303(d)	Retain	L

COGUUG12 12. Mainstem of Coal Creek, including all tributaries and wetlands from a point immediately below the Crested Butte Water Supply intake which is above the confluence with the Mount Emmons/Red Lady Basin drainage to the confluence with the Slate River, with the exception of Wildcat Creek.

Listed portion:	¹	COGUUG12_C	Mainstem of Coal Creek, from a point immediately below the Keystone discharge (38.867117, -107.023627) to the confluence with the Slate River.		
Impaired Use	Analyte	Category / List	Proposed Action	Priority	²
Water Supply Use	Arsenic (Total)	1. - All attaining	303(d) / Remove	L	
Aquatic Life Use	Cadmium (Dissolved)	5. - 303(d)	Retain	H	
Aquatic Life Use	Copper (Dissolved)	5. - 303(d)	Retain	H	
Aquatic Life Use	Zinc (Dissolved)	5. - 303(d)	Retain	H	

COGUUG15a 15a. All tributaries and wetlands to the Gunnison River from its inception at the confluence of the East and Taylor Rivers to the County Road 32 road crossing near the inlet of Blue Mesa Reservoir except for the specific listings in Segments 1, 15b, 16a, 16b, 17 through 24, and 26.

Listed portion:	¹	COGUUG15a_B	Mainstem of South Beaver Creek from Saguache/Gunnison County Line to the confluence with the Gunnison River.		
Impaired Use	Analyte	Category / List	Proposed Action	Priority	²
Aquatic Life Use	Iron (Total)	3b. - M&E list	Retain	NA	
Aquatic Life Use	Macroinvertebrates	5. - 303(d)	Retain	L	
Water Supply Use	Iron (Dissolved)	5. - 303(d)	Change from M&E to 303(d)	NA	
Water Supply Use	Manganese (Dissolved)	5. - 303(d)	Change from M&E to 303(d)	NA	

COGUUG16a 16a. Mainstem of Ohio Creek, from the source to a point immediately below 7 Road. All tributaries to Ohio Creek with the exception of Segment 1.

Listed portion:	¹	COGUUG16a_A	All tributaries to Ohio Creek from the source to a point immediately below 7 Road, except for specific listings in segment 1.		
Impaired Use	Analyte	Category / List	Proposed Action	Priority	²
Recreational Use	E. coli	1. - All attaining	M&E / Remove	NA	

Listed portion:	¹	COGUUG16a_B	Mainstem of Ohio Creek		
Impaired Use	Analyte	Category / List	Proposed Action	Priority	²
Recreational Use	E. coli	3b. - M&E list	Retain	NA	
Water Supply Use	Arsenic (Total)	5. - 303(d)	303(d) / New	H	

COGUUG16b 16b. Mainstem of Ohio Creek from a point immediately below 7 Road to the confluence with the Gunnison River.

Listed portion:	¹	COGUUG16b_A	Mainstem of Ohio Creek from a point immediately below 7 Road to the confluence with the Gunnison River.		
Impaired Use	Analyte	Category / List	Proposed Action	Priority	²
Recreational Use	E. coli	3b. - M&E list	Retain	NA	

COGUUG17a	17a. West Antelope Creek, including all tributaries and wetlands, from the source to the confluence with Antelope Creek.					
Listed portion:	¹	COGUUG17a_A	West Antelope Creek, including all tributaries and wetlands, from the source to the confluence with Antelope Creek.			
		Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
		Recreational Use	E. coli	3b. - M&E list	Retain	NA
		Water Supply Use	Manganese (Dissolved)	3b. - M&E list	Retain	NA
COGUUG17b	17b. Mainstem of Antelope Creek, including all tributaries and wetlands, from the source to the confluence with the Gunnison River, excluding the listings in Segment 17a.					
Listed portion:	¹	COGUUG17b_A	Mainstem of Antelope Creek, including all tributaries and wetlands, from the source to the confluence with the Gunnison River, excluding the listings in Segment 17a.			
		Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
		Recreational Use	E. coli	3b. - M&E list	Retain	NA
		Water Supply Use	Manganese (Dissolved)	3b. - M&E list	Retain	NA
COGUUG18b	18b. Mainstem of Tomichi Creek and its wetlands from the confluence with Porphyry Creek to the confluence with the Gunnison River.					
Listed portion:	¹	COGUUG18b_A	Mainstem of Tomichi Creek and its wetlands from the confluence with Porphyry Creek to the confluence with the Gunnison River.			
		Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
		Water Supply Use	Arsenic (Total)	3b. - M&E list	M&E / New	NA
		Aquatic Life Use	Macroinvertebrates (Provisional)	5. - 303(d)	Retain	L
		Aquatic Life Use	Temperature	5. - 303(d)	303(d) / New	H
COGUUG19	19. All tributaries to Tomichi Creek, including wetlands, which are within the boundaries of the Gunnison National Forest, except for specific listings in Segments 20 through 24. Mainstems of Barret, Hot Springs, Razor and Quartz Creeks from their sources to their confluences with Tomichi Creek.					
Listed portion:	¹	COGUUG19_B	Mainstem of Razor Creek from source to confluence with Tomichi Creek			
		Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
		Aquatic Life Use	Macroinvertebrates (Provisional)	5. - 303(d)	Retain	L
		Water Supply Use	Arsenic (Total)	5. - 303(d)	303(d) / New	H
		Aquatic Life Use	Iron (Total)	5. - 303(d)	303(d) / New	H
		Water Supply Use	Manganese (Dissolved)	5. - 303(d)	303(d) / New	L
COGUUG21	21. Mainstem of Marshall Creek, including all tributaries and wetlands, from the source to the confluence with Tomichi Creek, except for specific listings in Segment 20.					
Listed portion:	¹	COGUUG21_A	Mainstem of Marshall Creek, including all tributaries and wetlands, from the source to the confluence with Tomichi Creek, except for specific listings in Segment 20.			
		Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
		Water Supply Use	Arsenic (Total)	5. - 303(d)	303(d) / New	H

COGUUG23	23. Mainstem of Cochetopa Creek, including all tributaries and wetlands, from the source to a point immediately below the confluence with West Pass Creek with the exception of Segment 1.				
Listed portion:	¹ COGUUG23_A	All tributaries and wetlands to mainstem Cochetopa Creek, from the sources to a point immediately below the confluence with West Pass Creek, excluding mainstem Cochetopa Creek.			
	Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
	Aquatic Life Use	Temperature	3b. - M&E list	M&E / New	NA
	Water Supply Use	Arsenic (Total)	5. - 303(d)	303(d) / New	H
Listed portion:	¹ COGUUG23_B	Mainstem of Cochetopa Creek from Nutras Creek to West Pass Creek			
	Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
	Water Supply Use	Iron (Dissolved)	1. - All attaining	M&E / Remove	NA
	Aquatic Life Use	Temperature	3b. - M&E list	M&E / New	NA
	Water Supply Use	Arsenic (Total)	5. - 303(d)	303(d) / New	H
COGUUG24	24. Mainstem of Cochetopa Creek from a point immediately below the confluence with West Pass Creek to the confluence with Tomichi Creek.				
Listed portion:	¹ COGUUG24_A	Mainstem of Cochetopa Creek from West Pass Creek to Forest Road 3076/Co. Rd 43			
	Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
	Water Supply Use	Arsenic (Total)	5. - 303(d)	303(d) / New	H
Listed portion:	¹ COGUUG24_B	Mainstem of Cochetopa Creek, from Forest Road 3076/Co. Rd 43 to the confluence with Tomichi Creek.			
	Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
	Aquatic Life Use	Macroinvertebrates (Provisional)	5. - 303(d)	Retain	L
	Water Supply Use	Arsenic (Total)	5. - 303(d)	303(d) / New	H
COGUUG26	26. All tributaries, including wetlands, which are tributary to the Gunnison River from County Road 32 to the inlet of Blue Mesa Reservoir, Blue Mesa Reservoir, Morrow Point Reservoir, Crystal Reservoir or the segments of the Gunnison River that interconnect those reservoirs, with the exception of Segments 1,2, 29a, 29b, and 30 through 32.				
Listed portion:	¹ COGUUG26_B	Blue Creek and its tributaries.			
	Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
	Aquatic Life Use	Copper (Dissolved)	3b. - M&E list	Retain	NA
	Water Supply Use	Arsenic (Total)	5. - 303(d)	303(d) / New	H
Listed portion:	¹ COGUUG26_C	Mainstem of Crystal Creek from source to confluence with the Gunnison River			
	Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
	Aquatic Life Use	Macroinvertebrates (Provisional)	5. - 303(d)	Retain	L
	Water Supply Use	Arsenic (Total)	5. - 303(d)	303(d) / New	H
Listed portion:	¹ COGUUG26_D	Willow Creek and its tributaries			
	Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
	Aquatic Life Use	Macroinvertebrates (Provisional)	5. - 303(d)	303(d) / New	H
	Water Supply Use	Arsenic (Total)	5. - 303(d)	303(d) / New	H

Listed portion:	¹	COGUUG26_E	All tributaries, including wetlands which are tributary to the Gunnison River from County Road 32 to the inlet of Blue Mesa Reservoir, Blue Mesa Reservoir, Morrow Point Reservoir, Crystal Reservoir or the segments of the Gunnison River that interconnect those reservoirs, except for (specific listings in Segments 1, 2, 29a, 29b, 30, 31, and 32) and the portions of Blue, Willow and Crystal Creeks.				
		Impaired Use	Analyte	Category / List	²	Proposed Action	Priority
		Water Supply Use	Arsenic (Total)	5. - 303(d)		303(d) / New	H

COGUUG29a 29a. Mainstem of the Lake Fork of the Gunnison including all tributaries and wetlands, from the source to a point immediately above the confluence with Eaton Creek, except for the specific listing in Segments 1, 9b, 29b, 30, 31 and 32. Cebolla Creek, including all tributaries and wetlands, from the source to the Hinsdale/Gunnison County line. Powderhorn Creek, including all tributaries and wetlands, from the source to the confluence with Cebolla Creek.

Listed portion:	¹	COGUUG29a_B		Deadman Creek/Gulch and its tributaries		
		Impaired Use	Analyte	Category / List	² Proposed Action	Priority
		Aquatic Life Use	Copper (Dissolved)	5. - 303(d)	Retain	H
		Aquatic Life Use	Selenium (Dissolved)	5. - 303(d)	Retain	H
		Aquatic Life Use	Zinc (Dissolved)	5. - 303(d)	Retain	H
		Aquatic Life Use	Cadmium (Dissolved)	5. - 303(d)	Retain	H
		Aquatic Life Use	Iron (Total)	5. - 303(d)	Retain	H
		Aquatic Life Use	Manganese (Dissolved)	5. - 303(d)	Retain	L
		Aquatic Life Use	pH	5. - 303(d)	Retain	H
		Recreational Use	pH	5. - 303(d)	Retain	H
		Water Supply Use	Copper (Dissolved)	5. - 303(d)	Retain	H
		Water Supply Use	Iron (Dissolved)	5. - 303(d)	Retain	L
		Water Supply Use	pH	5. - 303(d)	Retain	H
		Water Supply Use	Selenium (Dissolved)	5. - 303(d)	Retain	H
	Water Supply Use	Zinc (Dissolved)	5. - 303(d)	Retain	H	

Listed portion:	¹	COGUUG29a_C	Lake Fork of the Gunnison River between Cooper and Silver Creek.			
		Impaired Use	Analyte	Category / List	Proposed Action	Priority
		Aquatic Life Use	Cadmium (Dissolved)	3b. - M&E list	Retain	NA
		Aquatic Life Use	Zinc (Dissolved)	3b. - M&E list	Retain	NA
		Water Supply Use	Arsenic (Total)	3b. - M&E list	Retain	NA
		Water Supply Use	Manganese (Dissolved)	5. - 303(d)	Retain	L

Listed portion:	¹	COGUUG29a_D	Lake Fork of the Gunnison above Cooper Creek				
		Impaired Use	Analyte	Category / List	²	Proposed Action	Priority
		Aquatic Life Use	Cadmium (Dissolved)	3b. - M&E list		Retain	NA
		Aquatic Life Use	Zinc (Dissolved)	3b. - M&E list		Retain	NA
		Water Supply Use	Arsenic (Total)	3b. - M&E list		Retain	NA
		Water Supply Use	Manganese (Dissolved)	3b. - M&E list		Retain	NA

Listed portion:	¹	COGUUG29a_E Lake Fork of the Gunnison between Silver Creek and Cottonwood Creek				
		Impaired Use	Analyte	Category / List	² Proposed Action	Priority
		Aquatic Life Use	Cadmium (Dissolved)	3b. - M&E list	Retain	NA
		Aquatic Life Use	Zinc (Dissolved)	3b. - M&E list	Retain	NA
		Water Supply Use	Arsenic (Total)	3b. - M&E list	Retain	NA
		Water Supply Use	Manganese (Dissolved)	3b. - M&E list	Retain	NA

Listed portion:	¹	COGUUG29a_F	Lake Fork of the Gunnison and its tributaries below Cottonwood Creek			
		Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
		Water Supply Use	Manganese (Dissolved)	5. - 303(d)	303(d) / New	L
COGUUG29b		29b. Mainstem of the Lake Fork of the Gunnison, including all tributaries and wetlands, from a point immediately above the confluence with Eaton Creek, to Blue Mesa Reservoir. Cebolla Creek, including all tributaries and wetlands, from the Hinsdale/Gunnison County line, to Blue Mesa Reservoir, excluding the listings in Segment 29a.				
Listed portion:	¹	COGUUG29b_B	Powderhorn Creek and its tributaries from the Gunnison county line to Blue Mesa Reservoir.			
		Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
		Water Supply Use	Manganese (Dissolved)	5. - 303(d)	303(d) / New	L
		Water Supply Use	Arsenic (Total)	5. - 303(d)	303(d) / New	H
Listed portion:	¹	COGUUG29b_C	Mainstem of the Lake Fork of the Gunnison, including all tributaries and wetlands, from a point immediately above the confluence with Eaton Creek, to Blue Mesa Reservoir. Cebolla Creek, including all tributaries and wetlands, from the Hinsdale/Gunnison County line, to Blue Mesa Reservoir, excluding the listings in Segment 29a and Powderhorn Creek.			
		Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
		Water Supply Use	Arsenic (Total)	5. - 303(d)	303(d) / New	H
COGUUG30		30. Mainstem of Henson Creek, including all tributaries and wetlands, from the source to the confluence with the Lake Fork of the Gunnison, except for the specific listing in Segments 31 and 32.				
Listed portion:	¹	COGUUG30_B	Mainstem of Henson Creek from the source to the confluence with the Lake Fork of the Gunnison.			
		Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
		Water Supply Use	Arsenic (Total)	3b. - M&E list	M&E / New	NA
		Aquatic Life Use	Cadmium (Dissolved)	4a. - TMDL	Retain	NA
		Aquatic Life Use	Zinc (Dissolved)	4a. - TMDL	Retain	NA
Listed portion:	¹	COGUUG30_C	All tributaries and wetlands of Henson Creek, from the source to the confluence with the Lake Fork of the Gunnison, except for the specific listing in Segments 31 and 32.			
		Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
		Water Supply Use	Arsenic (Total)	3b. - M&E list	M&E / New	NA
COGUUG31		31. Mainstem of Palmetto Gulch Creek including all tributaries.				
Listed portion:	¹	COGUUG31_A	Mainstem of Palmetto Gulch Creek including all tributaries.			
		Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
		Aquatic Life Use	Silver (Dissolved)	3b. - M&E list	Retain	NA
		Aquatic Life Use	pH	3b. - M&E list	M&E / New	NA
		Aquatic Life Use	Cadmium (Dissolved)	4a. - TMDL	Retain	NA
		Aquatic Life Use	Zinc (Dissolved)	4a. - TMDL	Retain	NA
		Aquatic Life Use	Copper (Dissolved)	5. - 303(d)	Change from M&E to 303(d)	NA
		Aquatic Life Use	Iron (Total)	5. - 303(d)	303(d) / New	M
		Water Supply Use	Manganese (Dissolved)	5. - 303(d)	303(d) / New	L

COGUUG32	32. North Fork of Henson Creek including all tributaries and wetlands, from its source to the confluence with Henson Creek, except for specific listings in Segment 1.				
Listed portion:	¹ COGUUG32_A	North Fork of Henson Creek including all tributaries and wetlands, from its source to the confluence with Henson Creek, except for specific listings in Segment 1.			
	Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
	Water Supply Use	Manganese (Dissolved)	5. - 303(d)	Retain	L
COGUUN02	2. Mainstem of the Uncompahgre River from the source (Poughkeepsie Gulch) to a point immediately above the confluence with Red Mountain Creek.				
Listed portion:	¹ COGUUN02_A	Mainstem of the Uncompahgre River from the source (Poughkeepsie Gulch) to a point immediately above the confluence with Red Mountain Creek.			
	Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
	Aquatic Life Use	Lead (Dissolved)	3b. - M&E list	Retain	NA
	Aquatic Life Use	Cadmium (Dissolved)	4a. - TMDL	Retain	NA
	Aquatic Life Use	Copper (Dissolved)	4a. - TMDL	Retain	NA
	Aquatic Life Use	Zinc (Dissolved)	4a. - TMDL	Retain	NA
	Water Supply Use	Manganese (Dissolved)	5. - 303(d)	Retain	L
	Aquatic Life Use	pH	5. - 303(d)	303(d) / New	H
COGUUN03a	3a. Mainstem of the Uncompahgre River from a point immediately above the confluence with Red Mountain Creek to a point immediately above the confluence with Cascade Creek.				
Listed portion:	¹ COGUUN03a_A	Mainstem of the Uncompahgre River from a point immediately above the confluence with Red Mountain Creek to a point immediately above the confluence with Cascade Creek.			
	Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
	Aquatic Life Use	Cadmium (Dissolved)	4a. - TMDL	Retain	NA
	Aquatic Life Use	Copper (Dissolved)	4a. - TMDL	Retain	NA
	Aquatic Life Use	Iron (Total)	4a. - TMDL	Retain	NA
	Aquatic Life Use	Zinc (Dissolved)	5. - 303(d)	303(d) / New	H
	Water Supply Use	Manganese (Dissolved)	5. - 303(d)	303(d) / New	L
	Aquatic Life Use	pH	5. - 303(d)	303(d) / New	H
COGUUN03b	3b. Mainstem of the Uncompahgre River from a point immediately above the confluence with Cascade Creek to a point immediately above the confluence with Dexter Creek.				
Listed portion:	¹ COGUUN03b_A	Mainstem of the Uncompahgre River from a point immediately above the confluence with Cascade Creek to a point immediately above the confluence with Dexter Creek.			
	Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
	Aquatic Life Use	Cadmium (Dissolved)	4a. - TMDL	Retain	NA
	Aquatic Life Use	Copper (Dissolved)	4a. - TMDL	Retain	NA
	Aquatic Life Use	Iron (Total)	4a. - TMDL	Retain	NA
	Water Supply Use	Manganese (Dissolved)	5. - 303(d)	303(d) / New	L

COGUUN03c	3c. Mainstem of the Uncompahgre River from a point immediately above the confluence with Dexter Creek to a point immediately below the confluence with Dallas Creek.					
Listed portion:	¹	COGUUN03c_A	Mainstem of the Uncompahgre River from a point immediately above the confluence with Dexter Creek to a point immediately below the confluence with Dallas Creek.			
		Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
		Aquatic Life Use	Cadmium (Dissolved)	4a. - TMDL	Retain	NA
		Aquatic Life Use	Copper (Dissolved)	4a. - TMDL	Retain	NA
		Aquatic Life Use	Iron (Total)	4a. - TMDL	Retain	NA
		Water Supply Use	Manganese (Dissolved)	5. - 303(d)	303(d) / New	L
COGUUN03d	3d. Mainstem of the Uncompahgre River from a point immediately below the confluence with Dallas Creek to the inlet of Ridgway Reservoir.					
Listed portion:	¹	COGUUN03d_A	Mainstem of the Uncompahgre River from a point immediately below the confluence with Dallas Creek to the inlet of Ridgway Reservoir.			
		Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
		Aquatic Life Use	Cadmium (Dissolved)	4a. - TMDL	Retain	NA
		Aquatic Life Use	Copper (Dissolved)	4a. - TMDL	Retain	NA
		Aquatic Life Use	Iron (Total)	4a. - TMDL	Retain	NA
COGUUN03e	3e. Mainstem of the Uncompahgre River from the outlet of Ridgway Reservoir to a point immediately above the outlet of the South Canal near Uncompahgre.					
Listed portion:	¹	COGUUN03e_B	Mainstem of the Uncompahgre River from the outlet of Ridgway Reservoir to a point immediately above the confluence with Broman Canyon.			
		Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
		Aquatic Life Use	Temperature	3b. - M&E list	M&E / New	NA
		Aquatic Life Use	Cadmium (Dissolved)	4a. - TMDL	Retain	NA
		Aquatic Life Use	Copper (Dissolved)	4a. - TMDL	Retain	NA
		Aquatic Life Use	Iron (Total)	4a. - TMDL	Retain	NA
Listed portion:	¹	COGUUN03e_C	Mainstem of the Uncompahgre River from the confluence with Broman Canyon to a point immediately above the outlet of the South Canal near Uncompahgre.			
		Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
		Aquatic Life Use	Temperature	3b. - M&E list	M&E / New	NA
		Aquatic Life Use	Cadmium (Dissolved)	4a. - TMDL	Retain	NA
		Aquatic Life Use	Copper (Dissolved)	4a. - TMDL	Retain	NA
		Aquatic Life Use	Iron (Total)	4a. - TMDL	Retain	NA
COGUUN03f	3f. Mainstem of the Uncompahgre River from a point immediately above the outlet of the South Canal to a point immediately above the Highway 90 bridge in Montrose.					
Listed portion:	¹	COGUUN03f_A	Mainstem of the Uncompahgre River from a point immediately above the outlet of the South Canal to a point immediately above the Highway 90 bridge in Montrose.			
		Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
		Aquatic Life Use	Cadmium (Dissolved)	4a. - TMDL	Retain	NA
		Aquatic Life Use	Copper (Dissolved)	4a. - TMDL	Retain	NA
		Aquatic Life Use	Iron (Total)	4a. - TMDL	Retain	NA

COGUUN04a	4a. Mainstem of the Uncompahgre River from the Highway 90 bridge at Montrose to Gunnison Road.					
Listed portion:	¹	COGUUN04a_B Mainstem of the Uncompahgre River from Cedar Creek to Gunnison Road.				
		Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
		Aquatic Life Use	Selenium (Dissolved)	3b. - M&E list	M&E / New	NA
		Water Supply Use	Sulfate	3b. - M&E list	M&E / New	NA
		Aquatic Life Use	Sediment	3b. - M&E list	Retain	NA
		Water Supply Use	Arsenic (Total)	5. - 303(d)	303(d) / New	H
		Aquatic Life Use	Iron (Total)	5. - 303(d)	303(d) / New	H
Listed portion:	¹	COGUUN04a_C Mainstem of the Uncompahgre River from the Highway 90 bridge at Montrose to Cedar Creek.				
		Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
		Aquatic Life Use	Sediment	3b. - M&E list	Retain	NA
COGUUN04b	4b. Mainstem of the Uncompahgre River from Gunnison Road to the upstream boundary of Confluence Park.					
Listed portion:	¹	COGUUN04b_A Mainstem of the Uncompahgre River from Gunnison Road to the upstream boundary of Confluence Park.				
		Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
		Aquatic Life Use	Sediment	3b. - M&E list	Retain	NA
		Aquatic Life Use	Selenium (Dissolved)	4a. - TMDL	Retain	NA
		Water Supply Use	Arsenic (Total)	5. - 303(d)	303(d) / New	H
		Water Supply Use	Manganese (Dissolved)	5. - 303(d)	303(d) / New	L
		Water Supply Use	Sulfate	5. - 303(d)	303(d) / New	L
COGUUN04c	4c. Mainstem of the Uncompahgre River from the upstream boundary of Confluence Park to the confluence with the Gunnison River.					
Listed portion:	¹	COGUUN04c_A Mainstem of the Uncompahgre River from the upstream boundary of Confluence Park to the confluence with the Gunnison River.				
		Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
		Aquatic Life Use	Iron (Total)	1. - All attaining	303(d) / Remove	H
		Aquatic Life Use	Lead (Dissolved)	1. - All attaining	M&E / Remove	NA
		Aquatic Life Use	Sediment	3b. - M&E list	Retain	NA
		Aquatic Life Use	Selenium (Dissolved)	4a. - TMDL	Retain	NA
COGUUN05	5. All tributaries to the Uncompahgre River, including all wetlands, from the source to a point immediately below the confluence with Dexter Creek, except for specific listings in Segments 1, 6a, 6b, and 7 through 9.					
Listed portion:	¹	COGUUN05_B Commodore Gulch and its tributaries				
		Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
		Aquatic Life Use	Cadmium (Dissolved)	3b. - M&E list	M&E / New	NA
		Aquatic Life Use	Copper (Dissolved)	3b. - M&E list	M&E / New	NA
		Aquatic Life Use	Lead (Dissolved)	3b. - M&E list	M&E / New	NA
		Aquatic Life Use	Zinc (Dissolved)	5. - 303(d)	303(d) / New	M

Listed portion:	¹	COGUUN05_C	Governor Basin				
		Impaired Use	Analyte	Category / List	²	Proposed Action	Priority
		Aquatic Life Use	Iron (Total)	3b. - M&E list		M&E / New	NA
		Aquatic Life Use	Lead (Dissolved)	3b. - M&E list		M&E / New	NA
		Aquatic Life Use	Cadmium (Dissolved)	5. - 303(d)		303(d) / New	M
		Aquatic Life Use	Copper (Dissolved)	5. - 303(d)		303(d) / New	M
		Aquatic Life Use	Zinc (Dissolved)	5. - 303(d)		303(d) / New	M
		Water Supply Use	Manganese (Dissolved)	5. - 303(d)		303(d) / New	M
Listed portion:	¹	COGUUN05_D	Silver Creek				
		Impaired Use	Analyte	Category / List	²	Proposed Action	Priority
		Aquatic Life Use	Lead (Dissolved)	3b. - M&E list		M&E / New	NA
Listed portion:	¹	COGUUN05_E	Sneffels Creek below Governor Basin				
		Impaired Use	Analyte	Category / List	²	Proposed Action	Priority
		Aquatic Life Use	Zinc (Dissolved)	5. - 303(d)		303(d) / New	M
		Aquatic Life Use	Cadmium (Dissolved)	5. - 303(d)		303(d) / New	M
		Water Supply Use	Manganese (Dissolved)	5. - 303(d)		303(d) / New	M
		Aquatic Life Use	Macroinvertebrates	5. - 303(d)		303(d) / New	M
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COGUUN06a		6a. Mainstem of Red Mountain Creek from the source to immediately above the confluence with the East Fork of Red Mountain Creek.					
Listed portion:	¹	COGUUN06a_A	Mainstem of Red Mountain Creek from the source to immediately above the confluence with the East Fork of Red Mountain Creek.				
		Impaired Use	Analyte	Category / List	²	Proposed Action	Priority
		Aquatic Life Use	Zn(sc)	4a. - TMDL		Retain	NA
		Aquatic Life Use	Silver (Dissolved)	5. - 303(d)		Retain	M
		Aquatic Life Use	Copper (Dissolved)	5. - 303(d)		Retain	M
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COGUUN07		7. Mainstem of Gray Copper Gulch from the source to the confluence with Red Mountain Creek.					
Listed portion:	¹	COGUUN07_A	Mainstem of Gray Copper Gulch from the source to the confluence with Red Mountain Creek.				
		Impaired Use	Analyte	Category / List	²	Proposed Action	Priority
		Aquatic Life Use	Iron (Total)	1. - All attaining		M&E / Remove	NA
		Aquatic Life Use	pH	5. - 303(d)		Change from M&E to 303(d)	NA
		Aquatic Life Use	Lead (Dissolved)	5. - 303(d)		303(d) / New	M
		Aquatic Life Use	Zinc (Dissolved)	5. - 303(d)		303(d) / New	M
	Aquatic Life Use	Copper (Dissolved)	5. - 303(d)		Retain	M	
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COGUUN08		8. Mainstem of Mineral Creek from the source to the confluence with the Uncompahgre River.					
Listed portion:	¹	COGUUN08_A	Mainstem of Mineral Creek from the source to the confluence with the Uncompahgre River.				
		Impaired Use	Analyte	Category / List	²	Proposed Action	Priority
		Aquatic Life Use	Copper (Dissolved)	5. - 303(d)		Change from M&E to 303(d)	NA
		Aquatic Life Use	Zinc (Dissolved)	5. - 303(d)		Change from M&E to 303(d)	NA
		Aquatic Life Use	Cadmium (Dissolved)	5. - 303(d)		303(d) / New	M

COGUUN09 9 Mainstem of Imogene Creek from its source to its confluence with Sneffels Creek. Mainstem and all tributaries of Sneffels Creek from a point 1.5 miles above its confluence with Imogene Creek at 37.974979, -107.753960 (WGS84) to its confluence with Imogene Creek. Mainstem of Canyon Creek from its inception at the confluence of Imogene Creek and Sneffels Creek to the confluence with the Uncompahgre River.

Listed portion:	¹	COGUUN09_B Mainstem and all tributaries of Sneffels Creek from a point 1.5 miles above its confluence with Imogene Creek at 37.974979, -107.753960 (WGS84) to its confluence with Imogene Creek.					
		Impaired Use	Analyte	Category / List	²	Proposed Action	Priority
		Aquatic Life Use	Cadmium (Dissolved)	5. - 303(d)		Retain	H
		Aquatic Life Use	Zinc (Dissolved)	5. - 303(d)		Retain	H
		Aquatic Life Use	Macroinvertebrates	5. - 303(d)		303(d) / New	M

Listed portion:	¹	COGUUN09_C	Mainstem of Canyon Creek from its inception at the confluence of Imogene Creek and Sneffels Creek to the confluence with the Uncompahgre River.			
		Impaired Use	Analyte	Category / List	Proposed Action	Priority
		Aquatic Life Use	Lead (Dissolved)	1. - All attaining	M&E / Remove	NA
		Aquatic Life Use	Zinc (Dissolved)	5. - 303(d)	303(d) / New	M

Listed portion:	¹	COGUUN09_D Mainstem of Imogene Creek from its source to its confluence with Sneffels Creek.				
		Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
		Aquatic Life Use	Copper (Dissolved)	3b. - M&E list	Retain	NA
		Aquatic Life Use	Cadmium (Dissolved)	5. - 303(d)	Retain	M
		Aquatic Life Use	Zinc (Dissolved)	5. - 303(d)	Retain	M

COGUUN10a 10a. All tributaries to the Uncompahgre River, including all wetlands, from a point immediately below the confluence with Dexter Creek to the South Canal near Uncompahgre, except for specific listings in Segments 1, 10b, and 11.

Listed portion:	¹	COGUUN10a_B Alkali Creek and all tributaries.					
		Impaired Use	Analyte	Category / List	²	Proposed Action	Priority
		Aquatic Life Use	Selenium (Dissolved)	3b. - M&E list		Retain	NA

Listed portion:	¹	COGUUN10a_C Mainstem of Cow Creek from the confluence of Nate Creek to the Uncompahgre River.					
		Impaired Use	Analyte	Category / List	²	Proposed Action	Priority
		Water Supply Use	Sulfate	1. - All attaining		M&E / Remove	NA

COGUUN11 11. Mainstem of Coal Creek from the source to the Park Ditch, mainstem of Dallas Creek from the source of the East and West Forks to the confluence with the Uncompahgre River; mainstem of Cow Creek, including all tributaries, from the Uncompahgre Wilderness Area boundary to the confluence with the Uncompahgre River; mainstems of Billy Creek, Onion Creek and Beaton Creek from their sources to their confluences with Uncompahgre River; mainstem of Beaver Creek from the source to the confluence with the East Fork of Dallas Creek; and mainstem of Pleasant Valley Creek from the source to the confluence with Dallas Creek.

Listed portion:	¹	COGUUN11_A Mainstem of Coal, Dallas, Beaton, Beaver and Pleasant Valley Creeks, excluding Deer, Billy, and Onion, and Cow Creek					
		Impaired Use	Analyte	Category / List	²	Proposed Action	Priority
		Water Supply Use	Arsenic (Total)	5. - 303(d)		303(d) / New	H

Listed portion:	¹	COGUUN11_C Deer Creek from source to Cow Creek					
		Impaired Use	Analyte	Category / List	²	Proposed Action	Priority
		Aquatic Life Use	Macroinvertebrates (Provisional)	5. - 303(d)		Retain	L
		Water Supply Use	Arsenic (Total)	5. - 303(d)		303(d) / New	H

Listed portion:	¹	COGUUN11_D	Mainstem of Cow Creek, including all tributaries			
		Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
		Water Supply Use	Sulfate	1. - All attaining	M&E / Remove	NA
		Water Supply Use	Arsenic (Total)	5. - 303(d)	303(d) / New	H
Listed portion:	¹	COGUUN11_G	Mainstem of Dallas Creek.			
		Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
		Aquatic Life Use	Temperature	3b. - M&E list	M&E / New	NA
		Water Supply Use	Arsenic (Total)	5. - 303(d)	303(d) / New	H
Listed portion:	¹	COGUUN11_H	Mainstem of Billy Creek			
		Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
		Aquatic Life Use	Selenium (Dissolved)	1. - All attaining	M&E / Remove	NA
		Aquatic Life Use	Iron (Total)	3b. - M&E list	M&E / New	NA
		Water Supply Use	Arsenic (Total)	5. - 303(d)	303(d) / New	H
Listed portion:	¹	COGUUN11_J	Onion Creek and its tributaries.			
		Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
		Aquatic Life Use	Selenium (Dissolved)	1. - All attaining	M&E / Remove	NA
		Water Supply Use	Arsenic (Total)	5. - 303(d)	303(d) / New	H
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COGUUN12		12. All tributaries to the Uncompahgre River, including all wetlands, from the South Canal near Uncompahgre to the confluence with the Gunnison River, except for specific listings in Segments 13, 14, 15a and 15b.				
Listed portion:	¹	COGUUN12_C	Mainstem of Dry Creek From Coalbank Canyon Creek to Uncompahgre River			
		Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
		Aquatic Life Use	Selenium (Dissolved)	4a. - TMDL	Retain	NA
		Aquatic Life Use	Iron (Total)	5. - 303(d)	Retain	H
Listed portion:	¹	COGUUN12_D	Loutzenhizer Arroyo and its tributaries			
		Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
		Aquatic Life Use	Selenium (Dissolved)	4a. - TMDL	Retain	NA
		Aquatic Life Use	Iron (Total)	5. - 303(d)	Retain	H
Listed portion:	¹	COGUUN12_E	All tributaries to the Uncompahgre River, including all wetlands, from the South Canal near Uncompahgre to the confluence with the Gunnison River, except for specific listings in Segments (13, 14, 15a and 15b), Loutzenhizer Arroyo, Dry Creek, Cedar Creek, and Dry Cedar Creek.			
		Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
		Aquatic Life Use	Selenium (Dissolved)	4a. - TMDL	Retain	NA
Listed portion:	¹	COGUUN12_F	Cedar Creek and Dry Cedar Creek with their Tributaries			
		Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
		Aquatic Life Use	Selenium (Dissolved)	4a. - TMDL	Retain	NA

COGUUN15b	15b. Mainstem of Dry Creek from the confluence of the East and West Forks to immediately above the confluence with Coalbank Canyon Creek.					
Listed portion:	¹	COGUUN15b_A Mainstem of Dry Creek from the confluence of the East and West Forks to immediately above the confluence with Coalbank Canyon Creek.				
		Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
		Aquatic Life Use	Sediment	3b. - M&E list	Retain	NA
COGUUN19	19. Ridgway Reservoir.					
Listed portion:	¹	COGUUN19_A Ridgway Reservoir.				
		Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
		Aquatic Life Use	Lead (Dissolved)	3b. - M&E list	Retain	NA
		Aquatic Life Use	Zinc (Dissolved)	3b. - M&E list	Retain	NA
COGUUN20	20. Sweitzer Lake (a.k.a. Garnet Mesa Reservoir).					
Listed portion:	¹	COGUUN20_A Sweitzer Lake (a.k.a. Garnet Mesa Reservoir).				
		Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
		Aquatic Life Use	Selenium (Dissolved)	5. - 303(d)	Retain	H
COLCLC01	1. Mainstem of the Colorado River from the confluence with the Roaring Fork River to immediately below the confluence with Rifle Creek.					
Listed portion:	¹	COLCLC01_A Colorado River from Paradise Creek to below the confluence with Rifle Creek				
		Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
		Aquatic Life Use	Sediment	3b. - M&E list	Retain	NA
		Aquatic Life Use	Temperature	5. - 303(d)	Retain	H
Listed portion:	¹	COLCLC01_B Colorado River from Roaring Fork to Paradise Creek				
		Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
		Aquatic Life Use	Sediment	3b. - M&E list	Retain	NA
		Aquatic Life Use	Temperature	5. - 303(d)	Retain	H
		Water Supply Use	Arsenic (Total)	5. - 303(d)	Retain	L
COLCLC02a	2a. Mainstem of the Colorado River from immediately below the confluence with Rifle Creek to immediately above the confluence of Rapid Creek.					
Listed portion:	¹	COLCLC02a_A Mainstem of the Colorado River from immediately below the confluence with Rifle Creek to immediately above the confluence of Rapid Creek.				
		Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
		Aquatic Life Use	Sediment	3b. - M&E list	Retain	NA
COLCLC02b	2b. Mainstem of the Colorado River from a point immediately above the confluence with Rapid Creek to immediately above the confluence of the Gunnison River.					
Listed portion:	¹	COLCLC02b_A Mainstem of the Colorado River from Rapid Creek to Gunnison River except for the Humphrey Backwater area				
		Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
		Aquatic Life Use	Sediment	3b. - M&E list	Retain	NA

Listed portion:	¹	COLCLC02b_B	Humphrey Backwater area			
		Impaired Use	Analyte	Category / List	Proposed Action	Priority
		Aquatic Life Use	Sediment	3b. - M&E list	Retain	NA
		Water Supply Use	Arsenic (Total)	3b. - M&E list	Retain	NA
		Water Supply Use	Manganese (Dissolved)	3b. - M&E list	Retain	NA
		Water Supply Use	Nitrite	3b. - M&E list	Retain	NA
		Water Supply Use	Sulfate	3b. - M&E list	Retain	NA
COLCLC03		3. Mainstem of the Colorado River from immediately above the confluence of the Gunnison River to the Colorado-Utah state line.				
Listed portion:	¹	COLCLC03_A	Mainstem of the Colorado River from immediately above the confluence of the Gunnison River to the Colorado-Utah state line.			
		Impaired Use	Analyte	Category / List	Proposed Action	Priority
		Aquatic Life Use	Selenium (Dissolved)	3b. - M&E list	Retain	NA
COLCLC04a		4a. All tributaries, including wetlands, to the Colorado River from the confluence with the Roaring Fork River to a point immediately below the confluence with Parachute Creek except for the specific listings in Segments 4b, 4c, 4d, 4e, 5, 6, 7a, 7b, 8, 9a, 9c, 10, 11a - h, and 12a.				
Listed portion:	¹	COLCLC04a_A	Tributaries to Colorado River, Roaring Fork to Parachute Creek, except for Mamm Creek and Alkali Creek			
		Impaired Use	Analyte	Category / List	Proposed Action	Priority
		Aquatic Life Use	Temperature	3b. - M&E list	Retain	NA
		Aquatic Life Use	Total Phosphorus	3b. - M&E list	Retain	NA
		Water Supply Use	Sulfate	3b. - M&E list	Retain	NA
		Aquatic Life Use	Selenium (Dissolved)	5. - 303(d)	Retain	M
Listed portion:	¹	COLCLC04a_B	Mamm Creek			
		Impaired Use	Analyte	Category / List	Proposed Action	Priority
		Aquatic Life Use	Temperature	3b. - M&E list	Retain	NA
		Aquatic Life Use	Total Phosphorus	3b. - M&E list	Retain	NA
		Water Supply Use	Sulfate	3b. - M&E list	Retain	NA
		Aquatic Life Use	Selenium (Dissolved)	5. - 303(d)	Retain	M
		Aquatic Life Use	Iron (Total)	5. - 303(d)	Retain	M
Listed portion:	¹	COLCLC04a_C	Alkali Creek			
		Impaired Use	Analyte	Category / List	Proposed Action	Priority
		Water Supply Use	Sulfate	3b. - M&E list	Retain	NA
		Aquatic Life Use	Temperature	3b. - M&E list	Retain	NA
		Aquatic Life Use	Total Phosphorus	3b. - M&E list	Retain	NA
		Aquatic Life Use	Selenium (Dissolved)	5. - 303(d)	Retain	M
		Aquatic Life Use	Selenium (Dissolved)	5. - 303(d)	Retain	M

Listed portion:	¹	COLCLC04a_D	South Canyon Creek sections above hot springs				
		Impaired Use	Analyte	Category / List	²	Proposed Action	Priority
		Water Supply Use	Sulfate	3b. - M&E list		Retain	NA
		Aquatic Life Use	Temperature	3b. - M&E list		Retain	NA
		Aquatic Life Use	Total Phosphorus	3b. - M&E list		Retain	NA
		Aquatic Life Use	Iron (Total)	5. - 303(d)		Retain	H
		Aquatic Life Use	Selenium (Dissolved)	5. - 303(d)		Retain	M
COLCLC04b		4b. South Canyon Hot Springs.					
Listed portion:	¹	COLCLC04b_A	South Canyon Hot Springs.				
		Impaired Use	Analyte	Category / List	²	Proposed Action	Priority
		Aquatic Life Use	Dissolved Oxygen	3b. - M&E list		Retain	NA
		Aquatic Life Use	Lead (Dissolved)	3b. - M&E list		Retain	NA
COLCLC04c		4c. The mainstem of South Canyon Creek from the South Canyon Hot Springs to the confluence with the Colorado River.					
Listed portion:	¹	COLCLC04c_A	South Canyon Creek from South Canyon Hot Springs to Colorado River				
		Impaired Use	Analyte	Category / List	²	Proposed Action	Priority
		Recreational Use	E. coli (May-October)	3b. - M&E list		Retain	NA
		Water Supply Use	Arsenic (Total)	5. - 303(d)		Retain	L
COLCLC04e		4e. Mainstem of Dry Creek including all tributaries and wetlands from the source to immediately above the Last Chance Ditch.					
Listed portion:	¹	COLCLC04e_A	Mainstem of Dry Creek including all tributaries and wetlands from the source to immediately above the Last Chance Ditch.				
		Impaired Use	Analyte	Category / List	²	Proposed Action	Priority
		Aquatic Life Use	Cadmium (Dissolved)	3b. - M&E list		Retain	NA
		Aquatic Life Use	Copper (Dissolved)	3b. - M&E list		Retain	NA
		Aquatic Life Use	Iron (Total)	3b. - M&E list		Retain	NA
		Aquatic Life Use	Selenium (Dissolved)	3b. - M&E list		Retain	NA
COLCLC10		10. West Rifle Creek, including all tributaries and wetlands, from the source to Rifle Gap Reservoir. East Rifle Creek, including all tributaries and wetlands, from the White River National Forest boundary to Rifle Gap Reservoir. Rifle Creek, including all tributaries and wetlands, from Rifle Gap Reservoir to the confluence with the Colorado River.					
Listed portion:	¹	COLCLC10_A	East Rifle Creek from the White River NF boundary to Rifle Gap Reservoir. Rifle Creek from Rifle Gap Reservoir to the Colorado River				
		Impaired Use	Analyte	Category / List	²	Proposed Action	Priority
		Recreational Use	E. coli	3b. - M&E list		Retain	NA
		Water Supply Use	Arsenic (Total)	5. - 303(d)		Retain	L

Listed portion:	¹	COLCLC10_B	West Rifle Creek and tributaries				
		Impaired Use	Analyte	Category / List	²	Proposed Action	Priority
		Aquatic Life Use	Iron (Total)	3b. - M&E list		Retain	NA
		Water Supply Use	Iron (Dissolved)	3b. - M&E list		Retain	NA
		Water Supply Use	Sulfate	3b. - M&E list		Retain	NA
		Recreational Use	E. coli	3b. - M&E list		Retain	NA
		Water Supply Use	Arsenic (Total)	5. - 303(d)		Retain	L
COLCLC13a		13a. All tributaries to the Colorado River including wetlands, from a point immediately below the confluence of Roan Creek to the Colorado/Utah border except for the specific listings in Segments 13b through 19.					
Listed portion:	¹	COLCLC13a_B	Sulphur Gulch and tributaries				
		Impaired Use	Analyte	Category / List	²	Proposed Action	Priority
		Aquatic Life Use	Copper (Dissolved)	3b. - M&E list		Retain	NA
		Aquatic Life Use	Iron (Total)	3b. - M&E list		Retain	NA
		Aquatic Life Use	Lead (Dissolved)	3b. - M&E list		Retain	NA
		Aquatic Life Use	Selenium (Dissolved)	3b. - M&E list		Retain	NA
COLCLC13b		13b. All tributaries to the Colorado River, including wetlands, from the Government Highline Canal Diversion to a point immediately below Salt Creek, and downgradient from the Government Highline Canal, the Orchard Mesa Canal No. 2, Orchard Mesa Drain, Stub Ditch and the northeast Colorado National Monument boundary.					
Listed portion:	¹	COLCLC13b_A	Tributaries to Colorado from Government Highline Canal Diversion to below Salt Creek, and downgradient from Government Highline Canal, Orchard Mesa Canal No. 2, Orchard Mesa Drain, Stub Ditch and northeast Colorado National Monument boundary, except Salt Creek.				
		Impaired Use	Analyte	Category / List	²	Proposed Action	Priority
		Aquatic Life Use	Selenium (Dissolved)	5. - 303(d)		Retain	M
		Aquatic Life Use	Iron (Total)	5. - 303(d)		Retain	M
Listed portion:	¹	COLCLC13b_B	Salt Creek and tributaries below lake and reservoir, including Mack Wash				
		Impaired Use	Analyte	Category / List	²	Proposed Action	Priority
		Aquatic Life Use	Sediment	5. - 303(d)		Retain	L
		Aquatic Life Use	Selenium (Dissolved)	5. - 303(d)		Retain	M
		Aquatic Life Use	Iron (Total)	5. - 303(d)		Retain	M
Listed portion:	¹	COLCLC13b_C	Adobe Creek, Leach Creek and tributaries below canal				
		Impaired Use	Analyte	Category / List	²	Proposed Action	Priority
		Recreational Use	E. coli	5. - 303(d)		Retain	H
		Aquatic Life Use	Selenium (Dissolved)	5. - 303(d)		Retain	M
		Aquatic Life Use	Iron (Total)	5. - 303(d)		Retain	M
Listed portion:	¹	COLCLC13b_D	Indian Wash				
		Impaired Use	Analyte	Category / List	²	Proposed Action	Priority
		Aquatic Life Use	Selenium (Dissolved)	5. - 303(d)		Retain	M
		Aquatic Life Use	Iron (Total)	5. - 303(d)		Retain	M

COLCLC14b	14b. Clear Creek, including all tributaries and wetlands, from a point immediately below the confluence with Tom Creek to the confluence with Roan Creek. Roan Creek, including all tributaries and wetlands, from a point immediately above the confluence with Clear Creek to a point immediately below the confluence with Kimball Creek.					
Listed portion:	¹	COLCLC14b_A	Clear Creek, including all tributaries and wetlands, from a point immediately below the confluence with Tom Creek to the confluence with Roan Creek. Roan Creek, including all tributaries and wetlands, from a point immediately above the confluence with Clear Creek to a point immediately below the confluence with Kimball Creek			
		Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
		Aquatic Life Use	Iron (Total)	3b. - M&E list	Retain	NA
		Recreational Use	E. coli	3b. - M&E list	Retain	NA
COLCLC14c	14c. Mainstem of Roan Creek including all tributaries and wetlands, from a point immediately below the confluence with Kimball Creek to the confluence with the Colorado River.					
Listed portion:	¹	COLCLC14c_B	North, South and mainstem of Dry Fork including tributaries			
		Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
		Water Supply Use	Arsenic (Total)	3b. - M&E list	Retain	NA
		Aquatic Life Use	Manganese (Dissolved)	5. - 303(d)	Retain	L
		Aquatic Life Use	Selenium (Dissolved)	5. - 303(d)	Retain	L
Listed portion:	¹	COLCLC14c_C	Roan Creek and tributaries including Conn Cr, Logan Wash, Bloat Gulch and Gibler Gulch			
		Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
		Water Supply Use	Arsenic (Total)	3b. - M&E list	Retain	NA
		Aquatic Life Use	Manganese (Dissolved)	5. - 303(d)	Retain	L
		Aquatic Life Use	Iron (Total)	5. - 303(d)	Retain	H
COLCLC15a	15a. Mainstem of Plateau Creek from its source to the inlet of Vega Reservoir. All tributaries and wetlands to Plateau Creek from its source to a point immediately above the confluence with Buzzard Creek. Kimball Creek, Grove Creek, Big Creek, Cottonwood Creek, Bull Creek, Spring Creek, Coon Creek, and Mesa Creek, including all wetlands and tributaries, from their sources to their confluences with Plateau Creek. The mainstem of Buzzard Creek, including all tributaries and wetlands, within the Grand Mesa National Forest.					
Listed portion:	¹	COLCLC15a_A	Mainstem of Plateau Creek from its source to the inlet of Vega Reservoir. All tributaries and wetlands to Plateau Creek from its source to a point immediately above the confluence with Buzzard Creek. Kimball Creek, Grove Creek, Big Creek, Cottonwood Creek, Bull Creek, Spring Creek, Coon Creek, and Mesa Creek, including all wetlands and tributaries, from their sources to their confluences with Plateau Creek. The mainstem of Buzzard Creek, including all tributaries and wetlands, within the Grand Mesa National Forest.			
		Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
		Water Supply Use	Iron (Total)	3b. - M&E list	Retain	NA
		Water Supply Use	Arsenic (Total)	5. - 303(d)	Retain	L
COLCLC15c	15c. Mainstem of Plateau Creek from the outlet of Vega Reservoir to a point immediately below the confluence with Buzzard Creek.					
Listed portion:	¹	COLCLC15c_A	Mainstem of Plateau Creek from the outlet of Vega Reservoir to a point immediately below the confluence with Buzzard Creek.			
		Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
		Water Supply Use	Arsenic (Total)	5. - 303(d)	Retain	L

COLCLC16	16. Plateau Creek including all tributaries and wetlands, from a point immediately below the confluence with Buzzard Creek, to the confluence with the Colorado River, excluding specific listings in segment 15.				
Listed portion:	¹ COLCLC16_A	Plateau Creek including all tributaries and wetlands, from a point immediately below the confluence with Buzzard Creek, to the confluence with the Colorado River, excluding specific listings in segment 15.			
	Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
	Aquatic Life Use	Iron (Total)	3b. - M&E list	Retain	NA
COLCLC19	19. All lakes and reservoirs tributary to the Colorado River from a point immediately below the confluence of the Colorado River and Parachute Creek to the Colorado-Utah border, except for specific listings in segments 9b, 13c, 20, and 21. This segment includes Highline Reservoir.				
Listed portion:	¹ COLCLC19_B	West Pond Orchard Mesa Wildlife Area			
	Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
	Aquatic Life Use	Selenium (Dissolved)	5. - 303(d)	Retain	H
Listed portion:	¹ COLCLC19_C	Maggio Pond and Peters Ponds 1,2,3,& 4			
	Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
	Aquatic Life Use	Selenium (Dissolved)	1. - All attaining	Change due to new segmentation	NA
COLCLC20	20. Rifle Gap Reservoir, Harvey Gap Reservoir, and Vega Reservoir.				
Listed portion:	¹ COLCLC20_B	Rifle Gap Reservoir			
	Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
	Water Supply Use	Arsenic (Total)	3b. - M&E list	Retain	NA
	Aquatic Life Use	Fish (Mercury)	5. - 303(d)	Retain	H
COLCLY03c	3c. Mainstem of Milk Creek, including all tributaries and wetlands, from Thornburgh (County Rd 15) to the confluence with the Yampa River except for the specific listings in Segment 3b and 3e.				
Listed portion:	¹ COLCLY03c_B	Wilson Creek and tributaries			
	Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
	Water Supply Use	Manganese (Dissolved)	3b. - M&E list	Retain	NA
	Water Supply Use	Selenium (Dissolved)	3b. - M&E list	Retain	NA
	Aquatic Life Use	Iron (Total)	5. - 303(d)	Retain	L
	Water Supply Use	Sulfate	5. - 303(d)	Retain	H
Listed portion:	¹ COLCLY03c_C	Stinking Gulch and tributaries			
	Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
	Aquatic Life Use	Iron (Total)	3b. - M&E list	Retain	NA
	Aquatic Life Use	Selenium (Dissolved)	5. - 303(d)	Retain	H
	Water Supply Use	Arsenic (Total)	5. - 303(d)	Retain	L
	Water Supply Use	Sulfate	5. - 303(d)	Retain	L

COLCLY03e	3e. Mainstem of Good Spring Creek and its tributaries above Wilson Reservoir.					
Listed portion:	¹	COLCLY03e_A	Mainstem of Good Spring Creek and its tributaries above Wilson Reservoir.			
		Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
		Aquatic Life Use	Selenium (Dissolved)	3b. - M&E list	Retain	NA
		Water Supply Use	Sulfate	3b. - M&E list	Retain	NA
COLCLY03i	3i. Lower Johnson Gulch from the confluence with Pyeatt Gulch at CO 107 to the confluence with the Yampa River.					
Listed portion:	¹	COLCLY03i_A	Lower Johnson Gulch from the confluence with Pyeatt Gulch at CO 107 to the confluence with the Yampa River.			
		Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
		Aquatic Life Use	Macroinvertebrates	3b. - M&E list	Retain	NA
COLCLY06	6. All tributaries to Fortification Creek, including all wetlands, from the confluence of the North and South Forks to the confluence with the Yampa River, except for the specific listings in Segments 4 and 7.					
Listed portion:	¹	COLCLY06_A	All tributaries to Fortification Creek, including all wetlands, from the confluence of the North and South Forks to the confluence with the Yampa River, except for the specific listings in Segments 4 and 7.			
		Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
		Water Supply Use	Manganese (Dissolved)	3b. - M&E list	Retain	NA
		Water Supply Use	Sulfate	3b. - M&E list	Retain	NA
COLCLY07	7. Mainstem of Little Bear Creek, including all tributaries and wetlands, from the source to the confluence with Dry Fork.					
Listed portion:	¹	COLCLY07_A	Mainstem of Little Bear Creek, including all tributaries and wetlands, from the source to the confluence with Dry Fork.			
		Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
		Aquatic Life Use	Copper (Dissolved)	3b. - M&E list	Retain	NA
		Aquatic Life Use	Zinc (Dissolved)	3b. - M&E list	Retain	NA
COLCLY16	16. Mainstem of the Little Snake River from a point immediately above the confluence with Powder Wash to the confluence with the Yampa River.					
Listed portion:	¹	COLCLY16_A	Mainstem of the Little Snake River from a point immediately above the confluence with Powder Wash to the confluence with the Yampa River.			
		Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
		Aquatic Life Use	Sediment	3b. - M&E list	Retain	NA
COLCLY22a	22a. Mainstem of Vermillion Creek, including all tributaries and wetlands, from the Colorado/Wyoming border to a point just below the confluence with Talamantes Creek.					
Listed portion:	¹	COLCLY22a_B	Talamantes Creek and tributaries			
		Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
		Aquatic Life Use	Macroinvertebrates	5. - 303(d)	Retain	L

COLCLY22c	22c. Mainstem of Vermillion Creek from HWY 318 to the confluence with the Green River.					
Listed portion:	¹	COLCLY22c_A	Mainstem of Vermillion Creek from HWY 318 to the confluence with the Green River.			
		Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
		Aquatic Life Use	Iron (Total)	3b. - M&E list	Retain	NA
		Recreational Use	E. coli	3b. - M&E list	Retain	NA
COLCWH07	7. Mainstem of the White River from a point immediately above the confluence with Miller Creek to a point immediately above the confluence with Piceance Creek.					
Listed portion:	¹	COLCWH07_A	White River from above the confluence with Miller Creek to above a point below Meeker.			
		Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
		Aquatic Life Use	Temperature	5. - 303(d)	Retain	H
		Aquatic Life Use	Macroinvertebrates	5. - 303(d)	Retain	H
Listed portion:	¹	COLCWH07_B	White River below Meeker to the confluence with Piceance Creek.			
		Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
		Aquatic Life Use	Iron (Total)	3b. - M&E list	Retain	NA
		Aquatic Life Use	Temperature	5. - 303(d)	Retain	H
		Aquatic Life Use	Macroinvertebrates	5. - 303(d)	Retain	H
		Water Supply Use	Arsenic (Total)	5. - 303(d)	Retain	L
COLCWH09b	9b. All tributaries to the White River, including wetlands, from a point immediately above the confluence with Flag Creek, to a point immediately above the confluence with Piceance Creek, which are not within the boundary of National Forest lands, except for the specific listings in segments 9c and 9d.					
Listed portion:	¹	COLCWH09b_A	Tributaries to the White River from above the confluence with Flag Creek, to above the confluence with Piceance Creek, which are not within the boundary of NF lands; excluding Strawberry Creek			
		Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
		Water Supply Use	Manganese (Dissolved)	3b. - M&E list	Retain	NA
		Water Supply Use	Sulfate	3b. - M&E list	Retain	NA
COLCWH09d	9d. Sulphur Creek, including all tributaries and wetlands, from the source to the confluence with the White River. Flag Creek, including all tributaries and wetlands, from a point just below the confluence with the East Fork of Flag Creek to the confluence with the White River.					
Listed portion:	¹	COLCWH09d_A	Sulphur Creek, including all tributaries and wetlands, from the source to the confluence with the White River. Flag Creek, including all tributaries and wetlands, from a point just below the confluence with the East Fork of Flag Creek to the confluence with the White River			
		Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
		Aquatic Life Use	Selenium (Dissolved)	5. - 303(d)	Retain	L
COLCWH11	11. Rio Blanco Lake and Taylor Draw Reservoir (a.k.a. Kenney Reservoir).					
Listed portion:	¹	COLCWH11_B	Rio Blanco Lake			
		Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
		Aquatic Life Use	pH	5. - 303(d)	Retain	H

COLCWH12	12. Mainstem of the White River from a point immediately above the confluence with Piceance Creek to a point immediately above the confluence with Douglas Creek.					
Listed portion:	¹	COLCWH12_A	Mainstem of the White River from a point immediately above the confluence with Piceance Creek to a point immediately above the confluence with Douglas Creek.			
		Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
		Water Supply Use	Arsenic (Total)	5. - 303(d)	Retain	L
COLCWH13b	13b. Mainstem of Yellow Creek including all wetlands from the source to immediately below the confluence with Barcus Creek. All tributaries to Yellow Creek from the source to the White River, including wetlands.					
Listed portion:	¹	COLCWH13b_A	Yellow Creek from source to below the confluence with Barcus Creek. Tributaries to Yellow Creek from the source to the White River, except for Corral Gulch and tributaries, Stake Springs Draw and tributaries above Stake Springs and Duck Creek and tributaries.			
		Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
		Aquatic Life Use	Sediment	5. - 303(d)	Retain	M
Listed portion:	¹	COLCWH13b_B	Corral Gulch and tributaries			
		Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
		Water Supply Use	Manganese (Dissolved)	3b. - M&E list	Retain	NA
		Aquatic Life Use	Sediment	5. - 303(d)	Retain	M
Listed portion:	¹	COLCWH13b_C	Stake Springs Draw and tributaries above Stake Springs			
		Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
		Water Supply Use	Sulfate	3b. - M&E list	Retain	NA
		Aquatic Life Use	Sediment	5. - 303(d)	Retain	M
Listed portion:	¹	COLCWH13b_D	Duck Creek and tributaries			
		Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
		Aquatic Life Use	Macroinvertebrates	3b. - M&E list	Retain	NA
		Aquatic Life Use	Sediment	5. - 303(d)	Retain	M
COLCWH13c	13c. Mainstem of Yellow Creek, including all wetlands from immediately below the confluence with Barcus Creek to the confluence with the White River.					
Listed portion:	¹	COLCWH13c_A	Yellow Creek from immediately below the confluence with Barcus Creek to the confluence with Greasewood Creek			
		Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
		Aquatic Life Use	Macroinvertebrates	5. - 303(d)	Retain	L
		Aquatic Life Use	Iron (Total)	5. - 303(d)	Retain	L
Listed portion:	¹	COLCWH13c_B	Yellow Creek below Greasewood Creek to the confluence with the White River			
		Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
		Aquatic Life Use	Macroinvertebrates	5. - 303(d)	Retain	L
		Aquatic Life Use	Iron (Total)	5. - 303(d)	Retain	L
		Aquatic Life Use	Temperature	5. - 303(d)	Retain	M

COLCWH14a	14a. Mainstem of Piceance Creek from the source to a point just below the confluence with Hunter Creek.					
Listed portion:	¹	COLCWH14a_A	Piceance Creek from the source to below confluence with Willow Creek			
		Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
		Water Supply Use	Arsenic (Total)	5. - 303(d)	Retain	H
Listed portion:	¹	COLCWH14a_B	Piceance Creek from Willow Creek to Hunter Creek			
		Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
		Water Supply Use	Arsenic (Total)	5. - 303(d)	Retain	H
COLCWH15	15. Mainstem of Piceance Creek from a point just below the confluence with Ryan Gulch to the confluence with the White River. The Dry Fork of Piceance Creek, including all tributaries and wetlands, from a point just below the confluence with Little Reigan Gulch to the confluence with Piceance Creek, except for the specific listings in Segment 18.					
Listed portion:	¹	COLCWH15_B	Mainstem of Piceance Creek			
		Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
		Aquatic Life Use	Macroinvertebrates (Provisional)	5. - 303(d)	Retain	L
Listed portion:	¹	COLCWH15_C	Piceance Creek from 3 miles above the confluence with White River, to the confluence with White River			
		Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
		Aquatic Life Use	Macroinvertebrates (Provisional)	5. - 303(d)	Retain	L
		Aquatic Life Use	Temperature	5. - 303(d)	Retain	M
COLCWH16b	16b. All tributaries to Piceance Creek, including all wetlands, from a point immediately below the confluence with Dry Thirteenmile Creek to the confluence with the White River, except for the specific listings in Segments 15, 17, 18, 19 and 20.					
Listed portion:	¹	COLCWH16b_B	Ryan Gulch and tributaries			
		Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
		Recreational Use	E. coli	3b. - M&E list	Retain	NA
COLCWH20	20. Mainstems of Black Sulphur Creek including all tributaries and wetlands from the source to the confluence with Piceance Creek.					
Listed portion:	¹	COLCWH20_B	Mainstem of Black Sulphur Creek from source to Piceance Creek			
		Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
		Aquatic Life Use	Macroinvertebrates (Provisional)	5. - 303(d)	Retain	L
		Water Supply Use	Arsenic (Total)	5. - 303(d)	Retain	L
Listed portion:	¹	COLCWH20_C	All Tributaries of Black Sulphur Creek from source to Piceance Creek			
		Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
		Aquatic Life Use	Macroinvertebrates (Provisional)	5. - 303(d)	Retain	L
		Water Supply Use	Arsenic (Total)	5. - 303(d)	Retain	L

COLCWH21	21. Mainstem of the White River from a point immediately above the confluence with Douglas Creek to the Colorado/Utah border.					
Listed portion:	¹	COLCWH21_A	Mainstem of the White River from a point immediately above the confluence with Douglas Creek to the Colorado/Utah border.			
		Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
		Water Supply Use	Arsenic (Total)	5. - 303(d)	Retain	L
COLCWH22	22. All tributaries to the White River, including all wetlands, from a point immediately above the confluence with Douglas Creek to the Colorado/Utah border, except for specific listing in Segment 23.					
Listed portion:	¹	COLCWH22_B	West Evacuation Wash with tributaries and Douglas Creek			
		Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
		Aquatic Life Use	Sediment	5. - 303(d)	Retain	L
COLCWH23	23. Mainstems of East Douglas Creek and West Douglas Creek, including all tributaries and wetlands, from their sources to their confluence.					
Listed portion:	¹	COLCWH23_A	West Douglas Creek from its source to confluence			
		Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
		Aquatic Life Use	Temperature	5. - 303(d)	Retain	H
Listed portion:	¹	COLCWH23_B	East Douglas creek from the point below Tommy's Draw a point above its confluence with Douglas Creek			
		Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
		Aquatic Life Use	Temperature	5. - 303(d)	Retain	H
		Aquatic Life Use	Sediment	5. - 303(d)	Retain	H
Listed portion:	¹	COLCWH23_C	Mainstem of East Douglas Creek and tributaries from the source to a point below Tommy's Draw			
		Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
		Aquatic Life Use	Temperature	5. - 303(d)	Retain	H
		Aquatic Life Use	Macroinvertebrates	5. - 303(d)	Retain	L
CORGAL02	2. Mainstem of the Alamosa River, including all tributaries and wetlands, from the source to immediately above the confluence with Alum Creek, except for specific listings in segments 1, 4a, and 4b.					
Listed portion:	¹	CORGAL02_B	Mainstem of the Alamosa River			
		Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
		Aquatic Life Use	pH	1. - All attaining	M&E / Remove	NA
		Water Supply Use	Iron (Dissolved)	1. - All attaining	M&E / Remove	NA
		Aquatic Life Use	Iron (Total)	3b. - M&E list	Retain	NA
		Water Supply Use	Manganese (Dissolved)	3b. - M&E list	Retain	NA
		Water Supply Use	Arsenic (Total)	5. - 303(d)	303(d) / New	H

Listed portion:	¹	CORGAL02_C	all tributaries and wetlands of the Alamosa River, from the source to immediately above the confluence with Alum Creek, except for tributaries to lower Iron Creek and specific listings in segments 1, 4a, and 4b.				
		Impaired Use	Analyte	Category / List	²	Proposed Action	Priority
		Aquatic Life Use	Iron (Total)	3b. - M&E list		Retain	NA
		Aquatic Life Use	pH	3b. - M&E list		Retain	NA
		Water Supply Use	Iron (Dissolved)	3b. - M&E list		Retain	NA
		Water Supply Use	Manganese (Dissolved)	3b. - M&E list		Retain	NA
CORGAL03a		3a. Mainstem of the Alamosa River from immediately above the confluence with Alum Creek to immediately above the confluence of Wightman Fork.					
Listed portion:	¹	CORGAL03a_A	Mainstem of the Alamosa River from immediately above the confluence with Alum Creek to immediately above the confluence of Wightman Fork.				
		Impaired Use	Analyte	Category / List	²	Proposed Action	Priority
		Aquatic Life Use	Aluminum (Total)	4a. - TMDL		Retain	NA
		Aquatic Life Use	Copper (Dissolved)	4a. - TMDL		Retain	NA
		Aquatic Life Use	pH	4a. - TMDL		Retain	NA
		Aquatic Life Use	Zinc (Dissolved)	4a. - TMDL		Retain	NA
		Aquatic Life Use	Cadmium (Dissolved)	5. - 303(d)		303(d) / New	M
CORGAL03b		3b. Mainstem of the Alamosa River from immediately above the confluence with the Wightman Fork to immediately above the confluence with Fern Creek.					
Listed portion:	¹	CORGAL03b_A	Mainstem of the Alamosa River from immediately above the confluence with Jasper Creek to immediately above the confluence with Fern Creek.				
		Impaired Use	Analyte	Category / List	²	Proposed Action	Priority
		Aquatic Life Use	Aluminum (Total)	4a. - TMDL		Retain	NA
		Aquatic Life Use	Copper (Dissolved)	4a. - TMDL		Retain	NA
		Aquatic Life Use	pH	4a. - TMDL		Retain	NA
		Aquatic Life Use	Zinc (Dissolved)	4a. - TMDL		Retain	NA
		Aquatic Life Use	Cadmium (Dissolved)	5. - 303(d)		303(d) / New	H
Listed portion:	¹	CORGAL03b_B	Mainstem of the Alamosa River from immediately above the confluence with the Wightman Fork to Jasper Creek.				
		Impaired Use	Analyte	Category / List	²	Proposed Action	Priority
		Aquatic Life Use	Selenium (Dissolved)	1. - All attaining		M&E / Remove	NA
		Aquatic Life Use	Copper (Dissolved)	4a. - TMDL		Retain	NA
		Aquatic Life Use	Aluminum (Total)	4a. - TMDL		Retain	NA
		Aquatic Life Use	pH	4a. - TMDL		Retain	NA
		Aquatic Life Use	Zinc (Dissolved)	4a. - TMDL		Retain	NA
		Aquatic Life Use	Cadmium (Dissolved)	5. - 303(d)		303(d) / New	H

CORGAL03c	3c. Mainstem of the Alamosa River from immediately above the confluence with Fern Creek to immediately below the confluence with Ranger Creek.					
Listed portion:	¹	CORGAL03c_A	Mainstem of the Alamosa River from immediately above the confluence with Fern Creek to immediately below the confluence with Ranger Creek.			
		Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
		Aquatic Life Use	Ammonia	1. - All attaining	M&E / Remove	NA
		Aquatic Life Use	Cadmium (Dissolved)	3b. - M&E list	Retain	NA
		Aquatic Life Use	Aluminum (Total)	4a. - TMDL	Retain	NA
		Aquatic Life Use	pH	4a. - TMDL	Retain	NA
		Aquatic Life Use	Zinc (Dissolved)	4a. - TMDL	Retain	NA
		Aquatic Life Use	Copper (Dissolved)	4a. - TMDL	Retain	NA
CORGAL03d	3d. Mainstem of the Alamosa River from immediately below the confluence with Ranger Creek to the inlet of Terrace Reservoir.					
Listed portion:	¹	CORGAL03d_A	Mainstem of the Alamosa River from immediately below the confluence with Ranger Creek to the inlet of Terrace Reservoir.			
		Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
		Aquatic Life Use	Copper (Dissolved)	4a. - TMDL	Retain	NA
		Aquatic Life Use	pH	4a. - TMDL	Retain	NA
		Aquatic Life Use	Zinc (Dissolved)	4a. - TMDL	Retain	NA
		Aquatic Life Use	Aluminum (Total)	5. - 303(d)	Retain	H
CORGAL05	5. Mainstem of Wightman Fork from the source to the west line of S30, T37N, R4E, including all tributaries and wetlands.					
Listed portion:	¹	CORGAL05_A	Mainstem of Wightman Fork from the source to the west line of S30, T37N, R4E, including all tributaries and wetlands.			
		Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
		Aquatic Life Use	pH	4a. - TMDL	Retain	NA
CORGAL07	7. Jasper Creek, including all tributaries and wetlands, from the source to the confluence with the Alamosa River.					
Listed portion:	¹	CORGAL07_A	Jasper Creek, including all tributaries and wetlands, from the source to the confluence with the Alamosa River.			
		Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
		Aquatic Life Use	pH	3b. - M&E list	M&E / New	NA
		Aquatic Life Use	Nickel (Dissolved)	3b. - M&E list	M&E / New	H
CORGAL08	8. Terrace Reservoir.					
Listed portion:	¹	CORGAL08_A	Terrace Reservoir.			
		Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
		Aquatic Life Use	Copper (Dissolved)	4a. - TMDL	Retain	NA
		Aquatic Life Use	Iron (Total)	4a. - TMDL	Retain	NA

CORGAL09	9. Mainstem of Alamosa River from the outlet of Terrace Reservoir to Hwy 15 (Gunbarrel Road).					
Listed portion:	¹	CORGAL09_A	Mainstem of Alamosa River from the outlet of Terrace Reservoir to Hwy 15 (Gunbarrel Road).			
		Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
		Aquatic Life Use	Copper (Dissolved)	4a. - TMDL	Retain	NA
		Aquatic Life Use	Macroinvertebrates (Provisional)	5. - 303(d)	303(d) / New	H
CORGAL10	10. Mainstem of the Alamosa River from Hwy 15 (Gunbarrel Road) to its point of final diversion.					
Listed portion:	¹	CORGAL10_A	Mainstem of the Alamosa River from Hwy 15 (Gunbarrel Road) to its point of final diversion.			
		Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
		Aquatic Life Use	Iron (Total)	1. - All attaining	M&E / Remove	NA
		Aquatic Life Use	Macroinvertebrates (Provisional)	5. - 303(d)	303(d) / New	M
CORGAL11b	11b. Mainstem of La Jara Creek from the outlet of La Jara Reservoir to a point immediately above the confluence with Hot Creek. All tributaires, including wetlands, to La Jara Creek from a point immediately below the confluence with Jarosa Creek to a point immediately above the confluence with Hot Creek.					
Listed portion:	¹	CORGAL11b_A	Mainstem of La Jara Creek from the outlet of La Jara Reservoir to a point immediately above the confluence with Hot Creek. All tributaries, including wetlands, to La Jara Creek from a point immediately below the confluence with Jarosa Creek to a point immediately above the confluence with Hot Creek.			
		Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
		Aquatic Life Use	Temperature	3b. - M&E list	Retain	NA
CORGAL12	12. Mainstem of La Jara Creek from immediately above the confluence with Hot Creek to the confluence with the Rio Grande.					
Listed portion:	¹	CORGAL12_A	Mainstem of La Jara Creek from immediately above the confluence with Hot Creek to the confluence with the Rio Grande.			
		Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
		Aquatic Life Use	Iron (Total)	3b. - M&E list	Retain	NA
CORGAL13	13. Mainstem of Hot Creek from the source to the confluence with La Jara Creek.					
Listed portion:	¹	CORGAL13_A	Mainstem of Hot Creek from the source to the confluence with La Jara Creek.			
		Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
		Aquatic Life Use	pH	3b. - M&E list	Retain	NA
		Aquatic Life Use	Iron (Total)	5. - 303(d)	Retain	H
CORGAL14a	14a. Mainstem of the Conejos River, including all tributaries and wetlands, from the source to immediately below the confluence with Elk Creek, excluding the specific listings in segment 1.					
Listed portion:	¹	CORGAL14a_B	La Manga Creek and its tributaries.			
		Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
		Water Supply Use	Arsenic (Total)	5. - 303(d)	303(d) / New	H

CORGAL20 20. All tributaries and wetlands to the Alamosa River, La Jara Creek, or the Conejos River within the boundaries of the Rio Grande National Forest excluding the specific listings in segments 1 through 7, 11a, 11b, 13, 14a, 14b, 17a, 17b and 18.

Listed portion: ¹ **CORGAL20_A** All tributaries and wetlands to the Alamosa River, La Jara Creek, or the Conejos River within the boundaries of the Rio Grande National Forest excluding the specific listings in segments 1 through 7, 11a, 11b, 13, 14a, 14b, 17a, 17b and 18.

Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
Aquatic Life Use	Cadmium (Dissolved)	3b. - M&E list	Retain	NA
Aquatic Life Use	Copper (Dissolved)	3b. - M&E list	Retain	NA
Aquatic Life Use	Iron (Total)	3b. - M&E list	Retain	NA
Water Supply Use	Manganese (Dissolved)	3b. - M&E list	Retain	NA
Aquatic Life Use	Zinc (Dissolved)	3b. - M&E list	Retain	NA
Water Supply Use	Iron (Dissolved)	3b. - M&E list	Retain	NA
Water Supply Use	Arsenic (Total)	3b. - M&E list	Retain	NA
Aquatic Life Use	pH	5. - 303(d)	Retain	H

CORGAL25 25. All lakes and reservoirs tributary to La Jara Creek from the source to a point immediately above the confluence with Hot Creek.

Listed portion: ¹ **CORGAL25_A** All lakes and reservoirs tributary to La Jara Creek from the source to a point immediately above the confluence with Hot Creek, except La Jara Reservoir

Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
Aquatic Life Use	pH	3b. - M&E list	Retain	NA
Aquatic Life Use	Dissolved Oxygen	5. - 303(d)	Retain	H

CORGAL30 30. Platoro Reservoir.

Listed portion: ¹ **CORGAL30_A** Platoro Reservoir.

Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
Aquatic Life Use	pH	3b. - M&E list	Retain	NA

CORGCB02a 2a. Mainstem of La Garita Creek, including all tributaries and wetlands, from the source to a point immediately below the confluence with Geronimo Creek. The North, Middle, and South Forks of Carnero Creek, including all tributaries and wetlands, from their sources to their confluences at the inception of the mainstem of Carnero Creek.

Listed portion: ¹ **CORGCB02a_B** North Fork of Carnero Creek, including all tributaries and wetlands.

Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
Water Supply Use	Manganese (Dissolved)	1. - All attaining	M&E / Remove	NA
Aquatic Life Use	Total Phosphorus	3b. - M&E list	Retain	NA
Aquatic Life Use	Macroinvertebrates	5. - 303(d)	Retain	H
Water Supply Use	Arsenic (Total)	5. - 303(d)	Retain	H

Listed portion: ¹ **CORGCB02a_C** South Fork of Carnero Creek, including all tributaries and wetlands.

Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
Aquatic Life Use	Total Phosphorus	1. - All attaining	M&E / Remove	NA
Water Supply Use	Iron (Dissolved)	1. - All attaining	M&E / Remove	NA
Water Supply Use	Manganese (Dissolved)	1. - All attaining	M&E / Remove	NA
Water Supply Use	Arsenic (Total)	5. - 303(d)	Retain	H

CORGCB02b	2b. Mainstem of La Garita Creek, including all tributaries and wetlands, from a point immediately below the confluence with Geronimo Creek to 38 Road. All tributaries to the mainstem of Carnero Creek from its inception at the confluence of the North, Middle, and South Forks to 42 Road, excluding the specific listings in segment 2a.				
Listed portion:	¹ CORGCB02b_B	Mainstem of La Garita Creek, including all tributaries and wetlands, from a point immediately below the confluence with Geronimo Creek to 38 Road.			
	Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
	Aquatic Life Use	Total Phosphorus	1. - All attaining	M&E / Remove	NA
	Water Supply Use	Iron (Dissolved)	1. - All attaining	M&E / Remove	NA
	Water Supply Use	Manganese (Dissolved)	1. - All attaining	M&E / Remove	NA
	Aquatic Life Use	Macroinvertebrates	5. - 303(d)	Retain	H
	Aquatic Life Use	Iron (Total)	5. - 303(d)	Change from M&E to 303(d)	NA
	Water Supply Use	Arsenic (Total)	5. - 303(d)	Retain	H
CORGCB02c	2c. Mainstem of Carnero Creek from its inception at the confluence of the North, Middle, and South Forks to 42 Road.				
Listed portion:	¹ CORGCB02c_A	Mainstem of Carnero Creek from its inception at the confluence of the North, Middle, and South Forks to 42 Road.			
	Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
	Water Supply Use	Manganese (Dissolved)	1. - All attaining	M&E / Remove	NA
	Aquatic Life Use	Total Phosphorus	3b. - M&E list	Retain	NA
	Water Supply Use	Arsenic (Total)	5. - 303(d)	Retain	H
CORGCB03	3. All tributaries to the Closed Basin excluding the listings in segments 2a, 2b, 2c, and 4 through 13.				
Listed portion:	¹ CORGCB03_B	Cottonwood Creek, including all tributaries and wetlands.			
	Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
	Aquatic Life Use	Copper (Dissolved)	3b. - M&E list	Retain	NA
Listed portion:	¹ CORGCB03_C	Major Creek, including all tributaries and wetlands.			
	Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
	Aquatic Life Use	Iron (Total)	3b. - M&E list	Retain	NA
Listed portion:	¹ CORGCB03_D	Willow Creek, including all tributaries and wetlands.			
	Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
	Aquatic Life Use	Copper (Dissolved)	5. - 303(d)	Retain	H
CORGCB04	4. Mainstem of San Luis Creek, including all tributaries and wetlands, from the source to a point immediately below the confluence with Piney Creek, excluding the specific listings in segments 8, 9a and 9b. Garner Creek, including all tributaries and wetlands, from the Rio Grande Forest Boundary to ithe mouth.				
Listed portion:	¹ CORGCB04_A	Mainstem of San Luis Creek, including all tributaries and wetlands, from the source to a point immediately below the confluence with Piney Creek, excluding the specific listings in segments 8, 9a and 9b. Garner Creek, including all tributaries and wetlands, from the Rio Grande Forest Boundary to the mouth.			
	Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
	Water Supply Use	Manganese (Dissolved)	3b. - M&E list	Retain	NA
	Water Supply Use	Arsenic (Total)	5. - 303(d)	Retain	L

CORGCB05	5. Mainstem of San Luis Creek from a point immediately below the confluence with Piney Creek to the inlet to San Luis Lake.					
Listed portion:	¹	CORGCB05_A	Mainstem of San Luis Creek from a point immediately below the confluence with Piney Creek to the inlet to San Luis Lake.			
		Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
		Aquatic Life Use	Copper (Dissolved)	3b. - M&E list	Retain	NA
		Aquatic Life Use	Dissolved Oxygen	3b. - M&E list	Retain	NA
CORGCB09a	9a. Mainstem, tributaries and wetlands of Kerber Creek, including all tributaries and wetlands,from the source to immediately above the confluence of Brewery Creek, excluding the specific listings in segment 8.					
Listed portion:	¹	CORGCB09a_A	Mainstem, tributaries and wetlands of Kerber Creek, including all tributaries and wetlands,from the source to immediately above the confluence of Brewery Creek, except for Squirrel Creek and excluding the specific listings in segment 8.			
		Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
		Aquatic Life Use	Silver (Dissolved)	4a. - TMDL	Retain	NA
		Aquatic Life Use	Cadmium (Dissolved)	4a. - TMDL	Retain	NA
		Aquatic Life Use	Lead (Dissolved)	4a. - TMDL	Retain	NA
Listed portion:	¹	CORGCB09a_B	Squirrel Creek from a point immediately below the confluence with Bear Creek to the confluence with Kerber Creek			
		Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
		Water Supply Use	Manganese (Dissolved)	1. - All attaining	M&E / Remove	NA
		Aquatic Life Use	Silver (Dissolved)	4a. - TMDL	Retain	NA
		Aquatic Life Use	Lead (Dissolved)	4a. - TMDL	Retain	NA
CORGCB09b	9b. Mainstem of Kerber Creek from a point immediately above the confluence with Brewery Creek to the confluence with San Luis Creek.					
Listed portion:	¹	CORGCB09b_A	Mainstem of Kerber Creek from a point immediately above the confluence with Brewery Creek to the confluence with U S Gulch.			
		Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
		Aquatic Life Use	Cadmium (Dissolved)	4a. - TMDL	Retain	NA
		Aquatic Life Use	Copper (Dissolved)	4a. - TMDL	Retain	NA
		Aquatic Life Use	Zinc (Dissolved)	4a. - TMDL	Retain	NA
		Water Supply Use	Arsenic (Total)	5. - 303(d)	Retain	L
Listed portion:	¹	CORGCB09b_B	Mainstem of Kerber Creek from a point immediately above the confluence with U S Gulch to the confluence with San Luis Creek.			
		Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
		Aquatic Life Use	Macroinvertebrates (Provisional)	1. - All attaining	303(d) / Remove	L
		Aquatic Life Use	Cadmium (Dissolved)	4a. - TMDL	Retain	NA
		Aquatic Life Use	Copper (Dissolved)	4a. - TMDL	Retain	NA
		Aquatic Life Use	Zinc (Dissolved)	4a. - TMDL	Retain	NA
		Water Supply Use	Arsenic (Total)	5. - 303(d)	Retain	L

CORGCB10	10. Mainstem of Sand Creek, including all tributaries and wetlands, from the source to the mouth. Mainstem of Medano Creek, including all tributaries and wetlands, from the source to the mouth.				
Listed portion:	¹ CORGCB10_B	Mainstem of Sand Creek, including all tributaries and wetlands, from the source to the mouth.			
	Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
	Aquatic Life Use	Copper (Dissolved)	3b. - M&E list	Retain	NA
CORGCB12a	12a. Mainstem of Saguache Creek, including all tributaries and wetlands, from the boundary of the La Garita Wilderness Area to a point just below the confluence Ford Creek, excluding the specific listings in segment 1.				
Listed portion:	¹ CORGCB12a_A	Mainstem of Saguache Creek, including all tributaries and wetlands, from the boundary of the La Garita Wilderness Area to a point just below the confluence Ford Creek, excluding the specific listings in segment 1, and East Pass Creek.			
	Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
	Aquatic Life Use	Temperature	1. - All attaining	M&E / Remove	NA
	Aquatic Life Use	Total Phosphorus	1. - All attaining	M&E / Remove	NA
	Water Supply Use	Arsenic (Total)	5. - 303(d)	Retain	H
	Aquatic Life Use	Iron (Total)	5. - 303(d)	Retain	L
Listed portion:	¹ CORGCB12a_B	East Pass Creek, including all tributaries and wetlands.			
	Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
	Aquatic Life Use	Temperature	1. - All attaining	M&E / Remove	NA
	Aquatic Life Use	Total Phosphorus	1. - All attaining	M&E / Remove	NA
	Water Supply Use	Arsenic (Total)	5. - 303(d)	Retain	H
	Aquatic Life Use	Iron (Total)	5. - 303(d)	Retain	L
	Aquatic Life Use	Sediment	5. - 303(d)	Retain	H
Listed portion:	¹ CORGCB12a_C	Ford Creek, including all tributaries and wetlands.			
	Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
	Aquatic Life Use	Temperature	1. - All attaining	M&E / Remove	NA
	Aquatic Life Use	Total Phosphorus	1. - All attaining	M&E / Remove	NA
	Aquatic Life Use	Cadmium (Dissolved)	3b. - M&E list	Retain	NA
	Aquatic Life Use	Zinc (Dissolved)	3b. - M&E list	Retain	NA
	Water Supply Use	Manganese (Dissolved)	3b. - M&E list	Retain	NA
	Water Supply Use	Arsenic (Total)	5. - 303(d)	Retain	H
	Aquatic Life Use	Iron (Total)	5. - 303(d)	Retain	L
CORGCB19	19. San Luis Lake.				
Listed portion:	¹ CORGCB19_A	San Luis Lake.			
	Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
	Aquatic Life Use	Iron (Total)	5. - 303(d)	Retain	H
	Aquatic Life Use	Ammonia	5. - 303(d)	Retain	H

CORGRG02	2. Mainstem of the Rio Grande, including all tributaries and wetlands, from the source to a point immediately above the confluence with Willow Creek, excluding the listings in segments 1 and 3.					
Listed portion:	¹	CORGRG02_A	Mainstem of the Rio Grande, including all tributaries and wetlands, from the source to a point immediately above the confluence with Willow Creek, excluding the listings in segments 1 and 3, and South Clear Creek.			
		Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
		Water Supply Use	Arsenic (Total)	5. - 303(d)	303(d) / New	H
Listed portion:	¹	CORGRG02_B	South Clear Creek and its tributaries			
		Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
		Aquatic Life Use	Dissolved Oxygen	3b. - M&E list	M&E / New	NA
		Aquatic Life Use	Iron (Total)	5. - 303(d)	Retain	H
		Water Supply Use	Iron (Dissolved)	5. - 303(d)	Change from M&E to 303(d)	NA
		Water Supply Use	Manganese (Dissolved)	5. - 303(d)	Change from M&E to 303(d)	NA
		Water Supply Use	Arsenic (Total)	5. - 303(d)	303(d) / New	H
		Water Supply Use	Arsenic (Total)	5. - 303(d)	303(d) / New	H
CORGRG03	3. Mainstem of Seepage Creek from the outlet of Santa Maria Reservoir to a point one mile below the outlet of Santa Maria Reservoir. Mainstem of North Clear Creek from the outlet of Continental Reservoir to a point immediately above the confluence with Rito Hondo Creek.					
Listed portion:	¹	CORGRG03_A	Mainstem of Seepage Creek from the outlet of Santa Maria Reservoir to a point one mile below the outlet of Santa Maria Reservoir. Mainstem of North Clear Creek from the outlet of Continental Reservoir to a point immediately above the confluence with Rito Hondo Creek.			
		Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
		Aquatic Life Use	Iron (Total)	3b. - M&E list	Retain	NA
CORGRG04a	4a. Mainstem of the Rio Grande from a point immediately above the confluence with Willow Creek to a point immediately above the confluence with the South Fork Rio Grande.					
Listed portion:	¹	CORGRG04a_A	Mainstem of the Rio Grande from a point immediately above the confluence with Willow Creek to a point immediately above the confluence with the South Fork Rio Grande.			
		Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
		Aquatic Life Use	Cadmium (Dissolved)	4a. - TMDL	Retain	NA
		Aquatic Life Use	Zinc (Dissolved)	4a. - TMDL	Retain	NA
		Aquatic Life Use	Lead (Dissolved)	5. - 303(d)	Retain	H
CORGRG04b	4b. Mainstem of the Rio Grande from a point immediately above the confluence with South Fork Rio Grande to the Hwy 285 crossing.					
Listed portion:	¹	CORGRG04b_A	Mainstem of the Rio Grande from a point immediately above the confluence with South Fork Rio Grande to Del Norte			
		Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
		Aquatic Life Use	Cadmium (Dissolved)	4a. - TMDL	Retain	NA
		Aquatic Life Use	Zinc (Dissolved)	4a. - TMDL	Retain	NA
		Aquatic Life Use	Temperature	5. - 303(d)	Retain	H
		Aquatic Life Use	Arsenic (Total)	5. - 303(d)	Retain	L

Listed portion:	¹	CORGRG04b_B	Mainstem of the Rio Grande from Del Norte to the Hwy 285 crossing.				
		Impaired Use	Analyte	Category / List	²	Proposed Action	Priority
		Aquatic Life Use	Copper (Dissolved)	1. - All attaining		303(d) / Remove	H
		Aquatic Life Use	Cadmium (Dissolved)	4a. - TMDL		Retain	NA
		Aquatic Life Use	Zinc (Dissolved)	4a. - TMDL		Retain	NA
		Aquatic Life Use	Temperature	5. - 303(d)		Retain	H
		Water Supply Use	Manganese (Dissolved)	5. - 303(d)		303(d) / New	L
		Aquatic Life Use	Lead (Dissolved)	5. - 303(d)		303(d) / New	H
Listed portion:	¹	CORGRG04b_C	Mainstem of the Rio Grande from a point immediately above the confluence with Pinos Creek to Del Norte				
		Impaired Use	Analyte	Category / List	²	Proposed Action	Priority
		Aquatic Life Use	Cadmium (Dissolved)	4a. - TMDL		Retain	NA
		Aquatic Life Use	Zinc (Dissolved)	4a. - TMDL		Retain	NA
		Aquatic Life Use	Temperature	5. - 303(d)		Retain	H
		Aquatic Life Use	Copper (Dissolved)	5. - 303(d)		Retain	H
		Water Supply Use	Manganese (Dissolved)	5. - 303(d)		303(d) / New	L
		Aquatic Life Use	Lead (Dissolved)	5. - 303(d)		303(d) / New	H
Listed portion:	¹	CORGRG04b_D	Mainstem of the Rio Grande from the confluence of South Fork to a point immediately above the confluence with Pinos Creek				
		Impaired Use	Analyte	Category / List	²	Proposed Action	Priority
		Aquatic Life Use	Zinc (Dissolved)	4a. - TMDL		Retain	NA
		Aquatic Life Use	Cadmium (Dissolved)	4a. - TMDL		Retain	NA
		Aquatic Life Use	Temperature	5. - 303(d)		Retain	H
		Water Supply Use	Arsenic (Total)	5. - 303(d)		Retain	L
		Water Supply Use	Manganese (Dissolved)	5. - 303(d)		303(d) / New	L
		Aquatic Life Use	Lead (Dissolved)	5. - 303(d)		303(d) / New	H
CORGRG04c		4c.	Mainstem of the Rio Grande from the Hwy 285 crossing to the Rio Grande/Alamosa County line.				
Listed portion:	¹	CORGRG04c_A	Mainstem of the Rio Grande from the Hwy 285 crossing to the Rio Grande/Alamosa County line.				
		Impaired Use	Analyte	Category / List	²	Proposed Action	Priority
		Aquatic Life Use	Copper (Dissolved)	1. - All attaining		303(d) / Remove	H
		Water Supply Use	Manganese (Dissolved)	1. - All attaining		M&E / Remove	NA
		Water Supply Use	Arsenic (Total)	5. - 303(d)		Retain	L
		Aquatic Life Use	Cadmium (Dissolved)	5. - 303(d)		303(d) / New	H
		Aquatic Life Use	Lead (Dissolved)	5. - 303(d)		303(d) / New	H
		Aquatic Life Use	Zinc (Dissolved)	5. - 303(d)		303(d) / New	H

CORGRG05 5. All tributaries to the Rio Grande, including all wetlands, from immediately above the confluence with Willow Creek to Hwy 112 bridge near Del Norte, excluding the listings in segments 6 through 10.

Listed portion:	¹	CORGRG05_B	Nelson Creek			
		Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
		Aquatic Life Use	Cadmium (Dissolved)	3b. - M&E list	Retain	NA
		Aquatic Life Use	Copper (Dissolved)	3b. - M&E list	Retain	NA
		Water Supply Use	Manganese (Dissolved)	3b. - M&E list	Retain	NA
		Aquatic Life Use	Lead (Dissolved)	3b. - M&E list	Retain	NA
		Aquatic Life Use	pH	3b. - M&E list	Retain	NA
		Aquatic Life Use	Zinc (Dissolved)	3b. - M&E list	Retain	NA
		Water Supply Use	Arsenic (Total)	3b. - M&E list	M&E / New	NA

Listed portion:	¹	CORGRG05_C	Embargo Creek and West Alder Creeks and their tributaries.			
		Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
		Water Supply Use	Arsenic (Total)	3b. - M&E list	M&E / New	NA

CORGRG06 6. Mainstem of West Willow Creek from immediately above Deerhorn Creek to the Park Regent Mine dump. East Willow Creek from the confluence with Whited Creek to the confluence with West Willow Creek.

Listed portion:	¹	CORGRG06_B	East Willow Creek from the confluence with Whited Creek to the confluence with West Willow Creek.			
		Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
		Aquatic Life Use	Cadmium (Dissolved)	3b. - M&E list	M&E / New	NA
		Aquatic Life Use	Lead (Dissolved)	3b. - M&E list	M&E / New	NA
		Aquatic Life Use	Zinc (Dissolved)	3b. - M&E list	M&E / New	NA

CORGRG07 7. Mainstem of West Willow Creek from the Park Regent Mine dump to the confluence with East Willow Creek. Mainstem of Willow Creek, including all tributaries from the confluence of East and West Willow Creeks, to the confluence with the Rio Grande.

Listed portion:	¹	CORGRG07_A	Mainstem of West Willow Creek from the Park Regent Mine dump to the confluence with Nelson Creek. Mainstem of Willow Creek, including all tributaries from the confluence of East and West Willow Creeks, to the confluence with the Rio Grande.			
		Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
		Aquatic Life Use	Macroinvertebrates	3b. - M&E list	Retain	NA
		Aquatic Life Use	Copper (Dissolved)	3b. - M&E list	M&E / New	NA

Listed portion:	¹	CORGRG07_B	West Willow Creek below Nelson Creek to East Willow Creek			
		Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
		Aquatic Life Use	Macroinvertebrates	3b. - M&E list	Retain	NA
		Aquatic Life Use	Copper (Dissolved)	3b. - M&E list	M&E / New	NA

CORGRG09 9. Mainstem of the South Fork Rio Grande, including all tributaries and wetlands, from the source to the confluence with the Rio Grande, excluding the specific listings in segment 1.

Listed portion:	¹	CORGRG09_B North Branch of Pass Creek				
		Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
		Aquatic Life Use	Copper (Dissolved)	3b. - M&E list	Retain	NA
		Aquatic Life Use	Zinc (Dissolved)	5. - 303(d)	Retain	H
		Water Supply Use	Arsenic (Total)	5. - 303(d)	Retain	L

Listed portion:	¹	CORGRG09_C Hope Creek and its tributaries.				
		Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
		Aquatic Life Use	Sediment	5. - 303(d)	303(d) / New	H

CORGRG11 11. Mainstem of San Francisco Creek (Rio Grande County), including all tributaries and wetlands, from the source to a point immediately below the confluence with Spring Branch.

Listed portion:	¹	CORGRG11_A Mainstem of San Francisco Creek (Rio Grande County), including all tributaries and wetlands, from the source to a point immediately below the confluence with Spring Branch.				
		Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
		Aquatic Life Use	Total Phosphorus	1. - All attaining	M&E / Remove	NA
		Aquatic Life Use	Macroinvertebrates	5. - 303(d)	Retain	H
		Water Supply Use	Arsenic (Total)	5. - 303(d)	Retain	L

CORGRG12 12. Mainstem of the Rio Grande from the Rio Grande/Alamosa County line to the Old State Bridge east of Lobatos (Conejos County Road G).

Listed portion:	¹	CORGRG12_A Mainstem of the Rio Grande from the Rio Grande/Alamosa County line to the Old State Bridge east of Lobatos (Conejos County Road G).				
		Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
		Aquatic Life Use	Macroinvertebrates (Provisional)	5. - 303(d)	Retain	L

CORGRG13 13. Mainstem of the Rio Grande from Old State Bridge east of Lobatos (Conejos County Road G) to the Colorado/New Mexico border.

Listed portion:	¹	CORGRG13_A	Mainstem of the Rio Grande from Old State Bridge east of Lobatos (Conejos County Road G) to the Colorado/New Mexico border.				
		Impaired Use	Analyte	Category / List	²	Proposed Action	Priority
		Aquatic Life Use	Sediment	3b. - M&E list		Retain	NA

CORGRG19 19. Mainstem of Rock Creek, including all tributaries and wetlands, from the source to the Monte Vista Canal.

Listed portion:	¹	CORGRG19_A Mainstem of Rock Creek, including all tributaries and wetlands, from the source to the Monte Vista Canal.				
		Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
		Aquatic Life Use	Total Phosphorus	1. - All attaining	M&E / Remove	NA
		Water Supply Use	Arsenic (Total)	5. - 303(d)	Retain	L

CORGRG20a	20a. Mainstem of Cat Creek, including all tributaries and wetlands, from the source to the Rio Grande National Forest boundary.					
Listed portion:	¹	CORGRG20a_B	Deer Creek and its tributaries			
		Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
		Aquatic Life Use	Total Phosphorus	1. - All attaining	M&E / Remove	NA
		Aquatic Life Use	Dissolved Oxygen	3b. - M&E list	M&E / New	NA
		Aquatic Life Use	Macroinvertebrates	5. - 303(d)	Retain	H
Listed portion:	¹	CORGRG20a_C	Mainstem of Cat Creek, including all tributaries and wetlands, from the source to the Rio Grande National Forest boundary, excluding Deer Creek.			
		Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
		Aquatic Life Use	Total Phosphorus	1. - All attaining	M&E / Remove	NA
		Aquatic Life Use	Macroinvertebrates	5. - 303(d)	Retain	H
CORGRG20b	20b. Mainstem of Cat Creek from the Rio Grande National Forest boundary to the Terrace Main Canal.					
Listed portion:	¹	CORGRG20b_A	Mainstem of Cat Creek from the Rio Grande National Forest boundary to the Terrace Main Canal.			
		Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
		Aquatic Life Use	Total Phosphorus	1. - All attaining	M&E / Remove	NA
CORGRG23a	23a. Mainstem of Sangre de Cristo Creek, including all tributaries and wetlands, from the source to Hwy 159, excluding the specific listings in segment 23b.					
Listed portion:	¹	CORGRG23a_B	Wagon Creek and its tributaries			
		Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
		Aquatic Life Use	Macroinvertebrates (Provisional)	5. - 303(d)	303(d) / New	H
Listed portion:	¹	CORGRG23a_C	Placer Creek and its Tributaries			
		Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
		Aquatic Life Use	Iron (Total)	3b. - M&E list	M&E / New	NA
CORGRG23b	23b. Mainstem of Sangre de Cristo Creek from a point immediately below the confluence with Placer Creek to Hwy 159.					
Listed portion:	¹	CORGRG23b_A	Mainstem of Sangre de Cristo Creek from a point immediately below the confluence with Placer Creek to Hwy 159.			
		Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
		Aquatic Life Use	Dissolved Oxygen	3b. - M&E list	M&E / New	NA
		Aquatic Life Use	Macroinvertebrates (Provisional)	5. - 303(d)	303(d) / New	H
CORGRG25	25. Mainstem of Trinchera Creek including all tributaries and wetlands, from the source to the inlet of Mountain Home Reservoir.					
Listed portion:	¹	CORGRG25_A	Mainstem of Trinchera Creek including all tributaries and wetlands, from the source to the inlet of Mountain Home Reservoir.			
		Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
		Aquatic Life Use	Copper (Dissolved)	3b. - M&E list	Retain	NA

CORGRG28	28. Mainstem of Rito Seco, including all tributaries and wetlands, from the source to the outlet of Salzar Reservoir.				
Listed portion:	¹ CORGRG28_B	Mainstem of Rito Seco, including all tributaries and wetlands, from the Battle Mountain Gold Mine to Salazar Reservoir			
	Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
	Aquatic Life Use	Copper (Dissolved)	3b. - M&E list	Retain	NA
	Recreational Use	E. coli	5. - 303(d)	Retain	H
CORGRG33	33. All lakes and reservoirs tributary to the Rio Grande from the source to the Hwy 112 bridge near Del Norte, excluding the specific listings in segments 32 and 38. All lakes and reservoirs tributary to San Francisco Creek from the source to a point immediately below the confluence with Spring Branch.				
Listed portion:	¹ CORGRG33_B	Alberta Park Reservoir			
	Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
	Aquatic Life Use	Silver (Dissolved)	3b. - M&E list	Retain	NA
CORGRG37	37. Sanchez Reservoir.				
Listed portion:	¹ CORGRG37_A	Sanchez Reservoir.			
	Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
	Water Supply Use	Arsenic (Total)	3b. - M&E list	Retain	NA
	Water Supply Use	Manganese (Dissolved)	3b. - M&E list	Retain	NA
	Aquatic Life Use	Fish (Mercury)	4a. - TMDL	Retain	NA
CORGRG38	38. Continental Reservoir, Upper Brown Lake, Santa Maria Reservoir, Road Canyon Reservoir, Rio Grande Reservoir, Big Meadows Reservoir, Beaver Creek Reservoir, Smith Reservoir, Mountain Home Reservoir,				
Listed portion:	¹ CORGRG38_B	Smith Reservoir			
	Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
	Aquatic Life Use	pH	3b. - M&E list	Retain	NA
Listed portion:	¹ CORGRG38_C	Big Meadows Reservoir			
	Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
	Water Supply Use	Iron (Dissolved)	3b. - M&E list	Retain	NA
	Water Supply Use	Manganese (Dissolved)	3b. - M&E list	Retain	NA
Listed portion:	¹ CORGRG38_D	Road Canyon Reservoir			
	Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
	Aquatic Life Use	Silver (Dissolved)	3b. - M&E list	Retain	NA
	Water Supply Use	Iron (Dissolved)	3b. - M&E list	Retain	NA
	Water Supply Use	Manganese (Dissolved)	3b. - M&E list	Retain	NA
	Water Supply Use	Arsenic (Total)	5. - 303(d)	303(d) / New	H
Listed portion:	¹ CORGRG38_E	Mountain Home Reservoir			
	Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
	Water Supply Use	Arsenic (Total)	3b. - M&E list	M&E / New	NA
	Aquatic Life Use	D.O.(Temp)	5. - 303(d)	303(d) / New	H

COSJAF02	2. Mainstem of the Animas River, including all tributaries and wetlands, from the outlet of Denver Lake to a point immediately above the confluence with Maggie Gulch, except for specific listings in Segment 6.					
Listed portion:	¹	COSJAF02_B	Mainstem of the Animas River, including all tributaries and wetlands, from the outlet of Denver Lake to a point immediately above the confluence with Minnie Gulch, except for specific listings in Segment 6.			
		Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
		Aquatic Life Use	Aluminum (Total)	4a. - TMDL	Retain	NA
		Aquatic Life Use	Cadmium (Dissolved)	4a. - TMDL	Retain	NA
		Aquatic Life Use	Copper (Dissolved)	4a. - TMDL	Retain	NA
		Aquatic Life Use	Iron (Dissolved)	4a. - TMDL	Retain	NA
		Aquatic Life Use	Lead (Dissolved)	4a. - TMDL	Retain	NA
COSJAF03a	3a. Mainstem of the Animas River, including wetlands, from a point immediately below the confluence with Maggie Gulch to immediately above the confluence with Cement Creek.					
Listed portion:	¹	COSJAF03a_A	Mainstem of the Animas River, including wetlands, from a point immediately below the confluence with Maggie Gulch to immediately above the confluence with Cement Creek.			
		Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
		Aquatic Life Use	Zinc (Dissolved)	3b. - M&E list	M&E / New	NA
		Water Supply Use	Manganese (Dissolved)	5. - 303(d)	303(d) / New	L
		Aquatic Life Use	Silver (Dissolved)	5. - 303(d)	303(d) / New	H
Listed portion:	¹	COSJAF03a_B	Mainstem of the Animas River, including wetlands, From Minnie Gulch to Maggie Gulch.			
		Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
		Aquatic Life Use	Aluminum (Total)	4a. - TMDL	Retain	NA
		Aquatic Life Use	Cadmium (Dissolved)	4a. - TMDL	Retain	NA
		Aquatic Life Use	Copper (Dissolved)	4a. - TMDL	Retain	NA
		Aquatic Life Use	Iron (Dissolved)	4a. - TMDL	Retain	NA
		Aquatic Life Use	Lead (Dissolved)	4a. - TMDL	Retain	NA
COSJAF03b	3b. Mainstem of the Animas River, including wetlands, from a point immediately above the confluence with Cement Creek to a point immediately above the confluence with Mineral Creek.					
Listed portion:	¹	COSJAF03b_A	Mainstem of the Animas River, including wetlands, from a point immediately above the confluence with Cement Creek to a point immediately above the confluence with Mineral Creek.			
		Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
		Aquatic Life Use	Aluminum (Total)	4a. - TMDL	Retain	NA
		Aquatic Life Use	Cadmium (Dissolved)	4a. - TMDL	Retain	NA
		Aquatic Life Use	Copper (Dissolved)	4a. - TMDL	Retain	NA
		Aquatic Life Use	Iron (Dissolved)	4a. - TMDL	Retain	NA
		Aquatic Life Use	Lead (Dissolved)	4a. - TMDL	Retain	NA

COSJAF03c	3c. Arrastra Gulch including all tributaries and wetlands from the source to the confluence with the Animas River.				
Listed portion:	¹ COSJAF03c_A	Arrastra Gulch including all tributaries and wetlands from the source to the confluence with the Animas River.			
	Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
	Aquatic Life Use	Lead (Dissolved)	3b. - M&E list	Retain	NA
	Aquatic Life Use	Cadmium (Dissolved)	5. - 303(d)	Retain	M
	Aquatic Life Use	Zinc (Dissolved)	5. - 303(d)	Retain	M
COSJAF04a	4a. Mainstem of the Animas River, including wetlands, from a point immediately above the confluence with Mineral Creek to a point immediately above the confluence with Deer Park Creek.				
Listed portion:	¹ COSJAF04a_A	Mainstem of the Animas River, including wetlands, from a point immediately above the confluence with Mineral Creek to a point immediately above the confluence with Deer Park Creek.			
	Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
	Water Supply Use	Manganese (Dissolved)	1. - All attaining	303(d) / Remove	NA
	Aquatic Life Use	Copper (Dissolved)	4a. - TMDL	Retain	NA
	Aquatic Life Use	Iron (Dissolved)	4a. - TMDL	Retain	NA
	Aquatic Life Use	pH	4a. - TMDL	Retain	NA
	Aquatic Life Use	Zinc (Dissolved)	4a. - TMDL	Retain	NA
	Aquatic Life Use	Cadmium (Dissolved)	5. - 303(d)	303(d) / New	M
	Aquatic Life Use	Aluminum (Total)	5. - 303(d)	Retain	M
COSJAF04b	4b. Mainstem of the Animas River, including wetlands, from a point immediately above the confluence with Deer Park Creek to Bakers Bridge.				
Listed portion:	¹ COSJAF04b_A	Mainstem of the Animas River, including wetlands, from a point immediately above the confluence with Deer Park Creek to Bakers Bridge.			
	Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
	Water Supply Use	Manganese (Dissolved)	3b. - M&E list	M&E / New	NA
	Aquatic Life Use	Zinc (Dissolved)	4a. - TMDL	Retain	NA
COSJAF05a	5a. Mainstem of the Animas River, including wetlands, from Bakers Bridge to the Southern Ute Indian Reservation boundary.				
Listed portion:	¹ COSJAF05a_A	Mainstem of the Animas River, including wetlands, from Bakers Bridge to the Southern Ute Indian Reservation boundary.			
	Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
	Aquatic Life Use	Macroinvertebrates (Provisional)	5. - 303(d)	303(d) / New	H
Listed portion:	¹ COSJAF05a_B	Mainstem of the Animas River, including wetlands, from Bakers Bridge to Dry Gulch.			
	Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
	Water Supply Use	Manganese (Dissolved)	5. - 303(d)	Retain	L
	Aquatic Life Use	Macroinvertebrates (Provisional)	5. - 303(d)	303(d) / New	H

Listed portion:	¹	COSJAF05a_C	Mainstem of the Animas River, including wetlands, from Dry Gulch to the Southern Ute Indian Reservation boundary.			
		Impaired Use	Analyte	Category / List	Proposed Action	Priority
		Water Supply Use	Manganese (Dissolved)	5. - 303(d)	Retain	L
		Aquatic Life Use	Macroinvertebrates (Provisional)	5. - 303(d)	303(d) / New	H
COSJAF07		7. Mainstem of Cement Creek, including all tributaries, and wetlands, from the source to the confluence with the Animas River.				
Listed portion:	¹	COSJAF07_A	Mainstem of Cement Creek, including all tributaries, and wetlands, from the source to the confluence with the Animas River.			
		Impaired Use	Analyte	Category / List	Proposed Action	Priority
		Aquatic Life Use	Aluminum (Total)	4a. - TMDL	Retain	NA
		Aquatic Life Use	Cadmium (Dissolved)	4a. - TMDL	Retain	NA
		Aquatic Life Use	Copper (Dissolved)	4a. - TMDL	Retain	NA
		Aquatic Life Use	Iron (Dissolved)	4a. - TMDL	Retain	NA
		Aquatic Life Use	Lead (Dissolved)	4a. - TMDL	Retain	NA
COSJAF08		8. Mainstem of Mineral Creek, including wetlands, from the source to a point immediately above the confluence with South Mineral Creek. All tributaries on the east side of this segment of Mineral Creek including wetlands, except for Big Horn Creek. Mainstem of the Middle Fork of Mineral Creek including all tributaries and wetlands from the source to the confluence with Mineral Creek except for Crystal Lake and its exiting tributary to confluence with Middle Fork of Mineral Creek.				
Listed portion:	¹	COSJAF08_A	Mainstem of Mineral Creek, including wetlands, from the source to a point immediately above the confluence with South Mineral Creek. All tributaries on the east side of this segment of Mineral Creek including wetlands, except for Big Horn Creek. Mainstem of the Middle Fork of Mineral Creek including all tributaries and wetlands from the source to the confluence with Mineral Creek except for Crystal Lake and its exiting tributary to confluence with Middle Fork of Mineral Creek.			
		Impaired Use	Analyte	Category / List	Proposed Action	Priority
		Aquatic Life Use	Aluminum (Total)	4a. - TMDL	Retain	NA
		Aquatic Life Use	Cadmium (Dissolved)	4a. - TMDL	Retain	NA
		Aquatic Life Use	Copper (Dissolved)	4a. - TMDL	Retain	NA
		Aquatic Life Use	Iron (Dissolved)	4a. - TMDL	Retain	NA
		Aquatic Life Use	Lead (Dissolved)	4a. - TMDL	Retain	NA
COSJAF09		9. Mainstem of Mineral Creek, including wetlands, from immediately above the confluence with South Mineral Creek to the confluence with the Animas River.				
Listed portion:	¹	COSJAF09_A	Mainstem of Mineral Creek, including wetlands, from immediately above the confluence with South Mineral Creek to the confluence with the Animas River.			
		Impaired Use	Analyte	Category / List	Proposed Action	Priority
		Aquatic Life Use	Copper (Dissolved)	4a. - TMDL	Retain	NA
		Aquatic Life Use	Iron (Dissolved)	4a. - TMDL	Retain	NA
		Aquatic Life Use	pH	4a. - TMDL	Retain	NA
		Aquatic Life Use	Zinc (Dissolved)	4a. - TMDL	Retain	NA
		Water Supply Use	Manganese (Dissolved)	5. - 303(d)	303(d) / New	M
		Aquatic Life Use	Aluminum (Total)	5. - 303(d)	303(d) / New	M
		Water Supply Use	Iron (Dissolved)	5. - 303(d)	303(d) / New	NA

COSJAF10a		10a. Mainstem of the Florida River from the boundary of the Weminuche Wilderness Area to the inlet of Lemon Reservoir.				
Listed portion:	¹	COSJAF10a_A	Mainstem of the Florida River from the boundary of the Weminuche Wilderness Area to the inlet of Lemon Reservoir.			
		Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
		Water Supply Use	Arsenic (Total)	3b. - M&E list	M&E / New	NA
COSJAF13a		13a. Mainstem of Junction Creek including all tributaries, from the U.S. Forest Boundary to the confluence with Animas River.				
Listed portion:	¹	COSJAF13a_B	Junction Creek from US Forest Boundary to confluence with the Animas River			
		Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
		Aquatic Life Use	Silver (Dissolved)	3b. - M&E list	Retain	NA
		Recreational Use	E. coli	3b. - M&E list	Retain	NA
COSJAF22		22. Electra Lake. Lake Nighthorse.				
Listed portion:	¹	COSJAF22_B	Electra Lake.			
		Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
		Aquatic Life Use	Silver (Dissolved)	3b. - M&E list	Retain	NA
		Aquatic Life Use	Zinc (Dissolved)	3b. - M&E list	Retain	NA
COSJDO04a		4a. Mainstem of the Dolores River from a point immediately above the confluence with Bear Creek to the bridge at Bradfield Ranch (Forest Route 505, near Montezuma/Dolores County Line).				
Listed portion:	¹	COSJDO04a_B	Mainstem of the Dolores River from a point immediately above the confluence with Bear Creek to McPhee Reservoir.			
		Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
		Aquatic Life Use	Copper (Dissolved)	5. - 303(d)	303(d) / New	H
COSJDO04b		4b. McPhee Reservoir and Summit Reservoir.				
Listed portion:	¹	COSJDO04b_A	Summit Reservoir.			
		Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
		Water Supply Use	Arsenic (Total)	3b. - M&E list	M&E / New	NA
		Water Supply Use	Manganese (Dissolved)	3b. - M&E list	M&E / New	NA
		Aquatic Life Use	Iron (Total)	5. - 303(d)	303(d) / New	H
Listed portion:	¹	COSJDO04b_B	McPhee Reservoir			
		Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
		Aquatic Life Use	Fish (Mercury)	4a. - TMDL	Retain	NA
		Aquatic Life Use	Fish (Mercury)	4a. - TMDL	Retain	NA

COSJDO05a	5a. All tributaries to the Dolores River and West Dolores River, including all wetlands, from the source to a point immediately below the confluence with the West Dolores River except for specific listings in Segments 1 and 5b through 10; mainstem of Beaver Creek (including Plateau Creek) from the source to the confluence with the Dolores River.				
Listed portion:	¹ COSJDO05a_B	Fish Creek and its tributaries			
	Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
	Water Supply Use	Arsenic (Total)	3b. - M&E list	M&E / New	NA
Listed portion:	¹ COSJDO05a_C	Roaring Forks Creek and its tributaries			
	Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
	Water Supply Use	Arsenic (Total)	3b. - M&E list	M&E / New	NA
	Aquatic Life Use	Copper (Dissolved)	3b. - M&E list	M&E / New	NA
COSJDO09	9. Mainstem of Silver Creek from a point immediately below the Town of Rico's water supply diversion to the confluence with the Dolores River.				
Listed portion:	¹ COSJDO09_A	Mainstem of Silver Creek from a point immediately below the Town of Rico's water supply diversion to the confluence with the Dolores River.			
	Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
	Aquatic Life Use	Cadmium (Dissolved)	4a. - TMDL	Retain	NA
	Aquatic Life Use	Zinc (Dissolved)	4a. - TMDL	Retain	NA
COSJDO10	10. Mainstem of the West Dolores River from the Lizard Head Wilderness Area boundary to the confluence with the Dolores River.				
Listed portion:	¹ COSJDO10b_A	Mainstem of the West Dolores River from above the confluence with Fish Creek to the confluence with the Dolores River.			
	Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
	Water Supply Use	Arsenic (Total)	3b. - M&E list	M&E / New	NA
COSJDO10a	10a. Mainstem of the West Dolores River from the Lizard Head Wilderness Area boundary to above the confluence with Fish Creek.				
Listed portion:	¹ COSJDO10a_A	Mainstem of the West Dolores River from the Lizard Head Wilderness Area boundary to above the confluence with Fish Creek.			
	Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
	Water Supply Use	Arsenic (Total)	3b. - M&E list	M&E / New	NA
COSJDO11	11. All tributaries to the Dolores River, including all wetlands, from a point immediately below the confluence of the West Dolores River, to the bridge at Bradfield Ranch (Forest Route 505, near Montezuma/Dolores County Line), except for the specific listing in Segments 4 and 5.				
Listed portion:	¹ COSJDO11_B	Lost Canyon Creek, along with all tributaries.			
	Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
	Recreational Use	E. coli	3b. - M&E list	Retain	NA
Listed portion:	¹ COSJDO11a_A	Lost Canyon Creek, along with all tributaries.			
	Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
	Recreational Use	E. coli	3b. - M&E list	Retain	NA

COSJDO11b	10b. Mainstem of the West Dolores River from above the confluence with Fish Creek to the confluence with the Dolores River.				
Listed portion:	¹ COSJDO11b_A	All tributaries to the Dolores River, including all wetlands, from below West Dolores River to the inlet of McPhee Reservoir, except for 4a, 11a.			
	Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
	Aquatic Life Use	Temperature	3b. - M&E list	M&E / New	NA
	Recreational Use	E. coli	3b. - M&E list	Retain	NA
COSJLP01	1. Mainstem of the La Plata River, including all wetlands and tributaries from the source to the Hay Gulch diversion south of Hesperus.				
Listed portion:	¹ COSJLP01_A	Mainstem of the La Plata River, including all wetlands and tributaries from the source to the Hay Gulch diversion south of Hesperus.			
	Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
	Aquatic Life Use	Copper (Dissolved)	3b. - M&E list	M&E / New	NA
	Aquatic Life Use	Silver (Dissolved)	5. - 303(d)	Retain	H
COSJLP03c	3c. Cherry Creek, including all tributaries and wetlands, from the source to the boundary of the Southern Ute Indian Reservation boundary.				
Listed portion:	¹ COSJLP03c_A	Cherry Creek, including all tributaries and wetlands, from the source to the boundary of the Southern Ute Indian Reservation boundary.			
	Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
	Aquatic Life Use	Copper (Dissolved)	1. - All attaining	M&E / Remove	NA
	Aquatic Life Use	Iron (Total)	1. - All attaining	303(d) / Remove	H
COSJLP04a	4a. Mainstem of the Mancos River, including all wetlands and tributaries, from the source of the East, West and Middle Forks to the San Juan National Forest Boundary.				
Listed portion:	¹ COSJLP04a_A	All Tributaries and wetlands to the mainstem of the Mancos River, from the source of West and Middle Forks to the San Juan, except for the East Mancos River and Box Canyon Creek			
	Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
	Aquatic Life Use	Macroinvertebrates	1. - All attaining	Changes due to database errors	NA
	Aquatic Life Use	Temperature	1. - All attaining	Changes due to database errors	NA
Listed portion:	¹ COSJLP04a_B	E. Mancos River.			
	Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
	Aquatic Life Use	Temperature	1. - All attaining	Change due to new segmentation	NA
	Aquatic Life Use	Macroinvertebrates	1. - All attaining	Change due to new segmentation	NA
Listed portion:	¹ COSJLP04a_C	Mainstem of Mancos River, to San Juan National Forest Boundary			
	Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
	Aquatic Life Use	Macroinvertebrates	1. - All attaining	Change due to new segmentation	NA
	Aquatic Life Use	Temperature	1. - All attaining	Change due to new segmentation	NA
	Aquatic Life Use	Copper (Dissolved)	3b. - M&E list	Retain	NA
	Aquatic Life Use	Lead (Dissolved)	3b. - M&E list	Retain	NA
	Aquatic Life Use	Dissolved Oxygen	5. - 303(d)	Retain	H

Listed portion:	¹	COSJLP04a_D	Box Canyon Creek			
		Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
		Aquatic Life Use	Macroinvertebrates	1. - All attaining	Changes due to database errors	NA
		Aquatic Life Use	Temperature	1. - All attaining	Changes due to database errors	NA
		Aquatic Life Use	Sediment	4a. - TMDL	Retain	NA
Listed portion:	¹	COSJLP04a_E	Mainstem of E. Mancos River.			
		Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
		Aquatic Life Use	Macroinvertebrates	1. - All attaining	Changes due to database errors	NA
		Aquatic Life Use	Temperature	1. - All attaining	Changes due to database errors	NA
		Aquatic Life Use	Dissolved Oxygen	1. - All attaining	Changes due to database errors	H
		Aquatic Life Use	Lead (Dissolved)	1. - All attaining	Changes due to database errors	NA
		Aquatic Life Use	Copper (Dissolved)	1. - All attaining	Changes due to database errors	NA
		Aquatic Life Use	Dissolved Oxygen	1. - All attaining	Changes due to database errors	H
		Aquatic Life Use	Lead (Dissolved)	1. - All attaining	Changes due to database errors	NA
		Water Supply Use	Manganese (Dissolved)	1. - All attaining	Changes due to database errors	NA
		Aquatic Life Use	Macroinvertebrates	1. - All attaining	Changes due to database errors	NA
		Water Supply Use	Manganese (Dissolved)	4a. - TMDL	Retain	NA
Listed portion:	¹	COSJLP04a_F	Tributaries of E. Mancos River			
		Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
		Aquatic Life Use	Macroinvertebrates	1. - All attaining	Changes due to database errors	NA
		Aquatic Life Use	Temperature	1. - All attaining	Changes due to database errors	NA
		Aquatic Life Use	Dissolved Oxygen	1. - All attaining	Changes due to database errors	H
		Aquatic Life Use	Lead (Dissolved)	1. - All attaining	Changes due to database errors	NA
COSJLP04c		4c. Mainstem of the Mancos River, including all wetlands, tributaries, from below the San Juan National Forest Boundary to Hwy 160. Chicken Creek, including all tributaries, from its source to the confluence with the Mancos River.				
Listed portion:	¹	COSJLP04c_C	Mainstem of the Mancos River the confluence of the East and West Forks to Hwy 160.			
		Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
		Aquatic Life Use	Copper (Dissolved)	3b. - M&E list	Change due to new segmentation	NA
		Aquatic Life Use	Lead (Dissolved)	3b. - M&E list	Change due to new segmentation	NA
		Water Supply Use	Arsenic (Total)	5. - 303(d)	303(d) / New	H
		Aquatic Life Use	Dissolved Oxygen	5. - 303(d)	Change due to new segmentation	H
Listed portion:	¹	COSJLP04c_D	East Mancos River for the National Forest boundry to the confluence with Middle Mancos River.			
		Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
		Aquatic Life Use	Lead (Dissolved)	3b. - M&E list	Retain	NA
		Water Supply Use	Manganese (Dissolved)	3b. - M&E list	M&E / New	NA
		Aquatic Life Use	Macroinvertebrates	3b. - M&E list	Retain	NA
		Aquatic Life Use	Dissolved Oxygen	5. - 303(d)	Retain	H

COSJLP05a		5a. Mainstem of the Mancos River from Hwy 160 to the boundary of the Ute Mountain Indian Reservation and mainstem of Weber Canyon from source to confluence with Mancos River.				
Listed portion:	¹	COSJLP05_B	Mainstem of the Mancos River from Hwy 160 to the boundary of the Ute Mountain Indian Reservation.			
		Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
		Water Supply Use	Arsenic (Total)	3b. - M&E list	M&E / New	NA
		Water Supply Use	Iron (Dissolved)	3b. - M&E list	M&E / New	NA
		Water Supply Use	Sulfate	3b. - M&E list	M&E / New	NA
		Water Supply Use	Manganese (Dissolved)	3b. - M&E list	M&E / New	NA
		Aquatic Life Use	Macroinvertebrates (Provisional)	5. - 303(d)	303(d) / New	L
Listed portion:	¹	COSJLP05_C	Mainstem of Weber Canyon from source to the boundry of the Ute Mountain reservation.			
		Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
		Aquatic Life Use	Macroinvertebrates (Provisional)	1. - All attaining	Change due to new segmentation	L
COSJLP06a		6a. All tributaries to the Mancos River, including all wetlands, from Hwy 160 to the boundary of the Ute Mountain Indian Reservation, except for specific listings in segment 4c, 5a and 6c.				
Listed portion:	¹	COSJLP06a_B	All tributaries to the Mancos River, including all wetlands, from Hwy 160 to the boundary of the Ute Mountain Indian Reservation, except for specific listings in segment 4c, 5,6b, and 6c. Navajo Wash to the Ute Mountain boundary.			
		Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
		Aquatic Life Use	Macroinvertebrates (Provisional)	5. - 303(d)	Retain	L
COSJLP06b		6b. All tributaries to the Mancos River, including all wetlands, from the boundary of the Ute Mountain Indian Reservation to the Colorado/New Mexico border.				
Listed portion:	¹	COSJLP06b_B	East Fork of Mud Creek including all tributaries to with West For of Mud Creek. East Canyon to Joe's Canyon.			
		Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
		Aquatic Life Use	Macroinvertebrates (Provisional)	5. - 303(d)	Retain	L
COSJLP07a		7a. Mainstem of McElmo Creek from the source to the Colorado/Utah border, except for the specific listings in Segment 7b. Mainstem of Yellow Jacket Creek, including all tributaries and wetlands, from the source to the confluence with McElmo Creek.				
Listed portion:	¹	COSJLP07a_C	Mainstem of McElmo Creek, from the source to Alkali Canyon.			
		Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
		Aquatic Life Use	Iron (Total)	5. - 303(d)	Retain	H
		Recreational Use	E. coli	5. - 303(d)	Retain	H
		Aquatic Life Use	Macroinvertebrates	5. - 303(d)	303(d) / New	H
COSJLP07b		7b. Mainstem of McElmo Creek within the Ute Mountain Indian Reservation.				
Listed portion:	¹	COSJLP07b_B	Mainstem of McElmo Creek from Alkali Canyon to the Utah border except for portions within the Ute Mountain Ute boundary.			
		Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
		Aquatic Life Use	Iron (Total)	5. - 303(d)	Retain	H
		Aquatic Life Use	Macroinvertebrates	5. - 303(d)	303(d) / New	H

COSJLP08a	8a. All tributaries to McElmo Creek, including all wetlands, from the source to the Colorado/Utah border, except for specific listings in Segments 7a, 8b, 8c and 11.				
Listed portion:	¹ COSJLP08_A	All tributaries and wetlands to McElmo Creek			
	Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
	Recreational Use	E. coli	3b. - M&E list	Retain	NA
	Aquatic Life Use	Iron (Total)	3b. - M&E list	M&E / New	NA
	Water Supply Use	Sulfate	5. - 303(d)	303(d) / New	L
Listed portion:	¹ COSJLP08_B	Mud Creek and all tributaries.			
	Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
	Recreational Use	E. coli	3b. - M&E list	Retain	NA
	Aquatic Life Use	Iron (Total)	3b. - M&E list	M&E / New	NA
	Water Supply Use	Sulfate	5. - 303(d)	303(d) / New	L
	Aquatic Life Use	Selenium (Dissolved)	5. - 303(d)	Retain	M
Listed portion:	¹ COSJLP08_C	Hartman Draw and all tributaries.			
	Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
	Aquatic Life Use	Iron (Total)	3b. - M&E list	M&E / New	NA
	Recreational Use	E. coli	3b. - M&E list	Retain	NA
	Water Supply Use	Sulfate	5. - 303(d)	303(d) / New	L
Listed portion:	¹ COSJLP08_D	Trail Canyon and its tributaries			
	Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
	Recreational Use	E. coli	3b. - M&E list	Retain	NA
	Water Supply Use	Sulfate	5. - 303(d)	303(d) / New	L
	Aquatic Life Use	Iron (Total)	5. - 303(d)	Retain	M
Listed portion:	¹ COSJLP08_E	Ritter Draw and its tributaries			
	Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
	Aquatic Life Use	Iron (Total)	3b. - M&E list	M&E / New	NA
	Recreational Use	E. coli	3b. - M&E list	Retain	NA
	Water Supply Use	Sulfate	5. - 303(d)	303(d) / New	L
	Aquatic Life Use	Macroinvertebrates (Provisional)	5. - 303(d)	303(d) / New	M
COSJLP09	9. Mainstem of the San Juan River in Montezuma County.				
Listed portion:	¹ COSJLP09_B	Unnamed tributary to Ritter Draw (confluence at 37.4059,-108.5325).			
	Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
	Aquatic Life Use	Macroinvertebrates (Provisional)	5. - 303(d)	303(d) / New	H
COSJLP11	11. Narraguinnep, Puett and Totten Reservoirs.				
Listed portion:	¹ COSJLP11_A	Puett Reservoir			
	Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
	Aquatic Life Use	Fish (Mercury)	5. - 303(d)	303(d) / New	H

Listed portion:	¹	COSJLP11_B	Narraguinnep Reservoir.			
		Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
		Water Supply Use	Arsenic (Total)	3b. - M&E list	M&E / New	NA
		Aquatic Life Use	Fish (Mercury)	4a. - TMDL	303(d) / Remove	NA
Listed portion:	¹	COSJLP11_C	Totten Reservoir			
		Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
		Aquatic Life Use	Fish (Mercury)	5. - 303(d)	Retain	H
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COSJPI05a		5a. All tributaries to the Piedra River, including all wetlands, from the boundary of the Weminuche Wilderness Area to a point immediately below the confluence with the First Fork of the Piedra River. Devil Creek, including all tributaries, from the source to a point below the confluence with Dunagan Canyon.				
Listed portion:	¹	COSJPI05a_A	All tributaries to the Piedra River, including all wetlands, from the boundary of the Weminuche Wilderness Area to the confluence with First Fork, Devil Creek and its tributaries to Dunagan Creek, except for segments 2a, 3 and Williams Creek.			
		Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
		Aquatic Life Use	Temperature	3b. - M&E list	Retain	NA
		Water Supply Use	Arsenic (Total)	5. - 303(d)	303(d) / New	H
Listed portion:	¹	COSJPI05a_B	Williams Creek and its tributaries.			
		Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
		Aquatic Life Use	Copper (Dissolved)	1. - All attaining	M&E / Remove	NA
		Aquatic Life Use	pH	1. - All attaining	M&E / Remove	NA
		Aquatic Life Use	Temperature	3b. - M&E list	Retain	NA
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COSJPI05b		5b. All tributaries to the Piedra River, from a point immediately below the confluence with the First Fork of the Piedra River to a point immediately below the confluence with Devil Creek, except for the specific listings in Segment 5a.				
Listed portion:	¹	COSJPI05b_A	All tributaries to the Piedra River, including all wetlands, from below the confluence with First Fork to below the confluence with Devil Creek.			
		Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
		Aquatic Life Use	Temperature	3b. - M&E list	Retain	NA
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COSJPI06a		6a. All tributaries to the Piedra River, including all wetlands, from a point immediately below the confluence with Devil Creek to Southern Ute Indian Reservation boundary,				
Listed portion:	¹	COSJPI06a_A	All tributaries to the Piedra River, including all wetlands, from a point immediately below the confluence with Devil Creek to Southern Ute Indian Reservation boundary, except for Stollsteimer Creek above the Southern Ute Boundary.			
		Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
		Aquatic Life Use	Macroinvertebrates (Provisional)	1. - All attaining	Extent of listing redefined	L
Listed portion:	¹	COSJPI06a_B	Stollsteimer Creek above Southern Ute Boundary.			
		Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
		Aquatic Life Use	Iron (Total)	1. - All attaining	Extent of listing redefined	NA
		Aquatic Life Use	Sediment	1. - All attaining	Extent of listing redefined	NA
		Recreational Use	E. coli	1. - All attaining	Extent of listing redefined	NA
		Water Supply Use	Sulfate	1. - All attaining	Extent of listing redefined	NA

Listed portion:	¹	COSJPI06a_E	Mainstem of Stollsteimer Creek to the confluence with Hall Canyon				
		Impaired Use	Analyte	Category / List	²	Proposed Action	Priority
		Water Supply Use	Sulfate	1. - All attaining		303(d) / Remove	NA
		Aquatic Life Use	Sediment	3b. - M&E list		Retain	H
		Recreational Use	E. coli	3b. - M&E list		Retain	H
		Aquatic Life Use	Iron (Total)	5. - 303(d)		303(d) / New	M
		Aquatic Life Use	Macroinvertebrates (Provisional)	5. - 303(d)		Retain	M
Listed portion:	¹	COSJPI06a_F	Tributaries to Stollsteimer Creek to the confluence with Hall Canyon				
		Impaired Use	Analyte	Category / List	²	Proposed Action	Priority
		Aquatic Life Use	Iron (Total)	5. - 303(d)		303(d) / New	M
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COSJPI06c		6a. All tributaries to the Piedra River, including all wetlands, from a point immediately below the confluence with Devil Creek to Southern Ute Indian Reservation boundary, except the specific listing in Segment 6d.					
Listed portion:	¹	COSJPI06c_A	Stollsteimer Creek from the Southern Ute bourndry to the Piedra River.				
		Impaired Use	Analyte	Category / List	²	Proposed Action	Priority
		Aquatic Life Use	Iron (Total)	1. - All attaining		M&E / Remove	NA
		Water Supply Use	Sulfate	1. - All attaining		M&E / Remove	NA
		Aquatic Life Use	Sediment	3b. - M&E list		Retain	NA
		Recreational Use	E. coli	3b. - M&E list		Retain	NA
		Aquatic Life Use	Macroinvertebrates (Provisional)	5. - 303(d)		Retain	L
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COSJPI06d		6b. All tributaries including wetlands to the Piedra River from the Southern Ute Indian Reservation boundary to Navajo Reservoir, except for the specific listing in Segment 6c.					
Listed portion:	¹	COSJPI06d_A	Steven's Draw from the outlet of Lake Forest Reservoir to the confluence with Martinez Creek.				
		Impaired Use	Analyte	Category / List	²	Proposed Action	Priority
		Aquatic Life Use	Macroinvertebrates (Provisional)	5. - 303(d)		Retain	L
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COSJPI08		8. Williams Creek Reservoir.					
Listed portion:	¹	COSJPI08_A	Williams Creek Reservoir.				
		Impaired Use	Analyte	Category / List	²	Proposed Action	Priority
		Aquatic Life Use	Dissolved Oxygen	1. - All attaining		M&E / Remove	NA
		Aquatic Life Use	Zinc (Dissolved)	1. - All attaining		M&E / Remove	NA
		Aquatic Life Use	Iron (Total)	3b. - M&E list		Retain	NA
		Water Supply Use	Arsenic (Total)	3b. - M&E list		M&E / New	NA
		Aquatic Life Use	pH	5. - 303(d)		Change from M&E to 303(d)	NA
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COSJPN02a		2a. Mainstem of the Los Pinos River from the boundary of the Weminuche Wilderness Area to the boundary of the Southern Ute Indian Reservation except for the specific listing in Segment 3.					
Listed portion:	¹	COSJPN02a_A	Mainstem of the Los Pinos River from the boundary of the Weminuche Wilderness Area to the boundary of the Southern Ute Indian Reservation except for the specific listing in Segment 3.				
		Impaired Use	Analyte	Category / List	²	Proposed Action	Priority
		Water Supply Use	Arsenic (Total)	3b. - M&E list		M&E / New	NA

COSJPN03	3. Vallecito Reservoir.					
Listed portion:	¹	COSJPN03_A	Vallecito Reservoir.			
		Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
		Aquatic Life Use	Fish (Mercury)	5. - 303(d)	Retain	H
COSJPN05	5. Mainstem of Vallecito Creek from the boundary of the Weminuche Wilderness Area to Vallecito Reservoir.					
Listed portion:	¹	COSJPN05_A	Mainstem of Vallecito Creek from the boundary of the Weminuche Wilderness Area to Vallecito Reservoir.			
		Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
		Water Supply Use	Arsenic (Total)	3b. - M&E list	M&E / New	NA
COSJSJ01b	1b. Mainstem of the Navajo River, including all wetlands and tributaries from below the confluence with Sheep Creek to the Colorado/New Mexico border, except for specific listings in Segment 3.					
Listed portion:	¹	COSJSJ01b_B	Mainstem of the Navajo River.			
		Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
		Recreational Use	E. coli	3b. - M&E list	Retain	NA
COSJSJ03	3. Mainstem of the Little Navajo River from the San Juan-Chama diversion to the confluence with the Navajo River; all tributaries to the Navajo River and the Little Navajo River, including all wetlands, from the San Juan-Chama diversions to the confluence with the San Juan River.					
Listed portion:	¹	COSJSJ03_A	Mainstem of the Little Navajo River from the San Juan-Chama diversion to the confluence with the Navajo River; all tributaries to the Navajo River and the Little Navajo River, including all wetlands, from the San Juan-Chama diversions to the confluence with the San Juan River.			
		Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
		Recreational Use	E. coli	3b. - M&E list	Retain	NA
COSJSJ05	5. Mainstem of the San Juan River and the East Fork and West Fork of the San Juan River, from the boundary of the Weminuche Wilderness Area (West Fork) and the source (East Fork) to below the confluence with Fourmile Creek, including all wetlands and tributaries except for wetlands and tributaries included in Segment 4.					
Listed portion:	¹	COSJSJ05_D	West Fork of the San Juan River including all tributaries, from the boundary of the Weminuche Wilderness Area (West Fork)to the confluence of the mainstem of the San Juan River.			
		Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
		Aquatic Life Use	Lead (Dissolved)	1. - All attaining	M&E / Remove	NA
		Aquatic Life Use	Macroinvertebrates	1. - All attaining	Extent of listing redefined	NA
		Aquatic Life Use	Macroinvertebrates (Provisional)	5. - 303(d)	Extent of listing redefined	H
Listed portion:	¹	COSJSJ05_E	Mainstem of the East Fork of the San Juan River including all tributaries, from the boundary of the Weminuche Wilderness Area (West Fork) and the source (East Fork) to the confluence of the mainstem of the San Juan River. All tributaries to the San Juan River froma point below the confluences of the East and West Forks to the confluence with Fourmile Creek.			
		Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
		Aquatic Life Use	Lead (Dissolved)	1. - All attaining	M&E / Remove	NA
		Aquatic Life Use	Macroinvertebrates	1. - All attaining	Extent of listing redefined	NA
		Aquatic Life Use	Macroinvertebrates (Provisional)	5. - 303(d)	Extent of listing redefined	H

COSJSJ06a		6a. Mainstem of the San Juan River from a point immediately below the confluence with Fourmile Creek to the Southern Ute Indian Reservation northern boundary. Mainstem of Mill Creek from the source to the confluence with the San Juan River.				
Listed portion:	¹	COSJSJ06a_C	Mainstem of the San Juan River from Fourmile Creek to Hwy 160 in Pagosa Springs.			
		Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
		Aquatic Life Use	Temperature	1. - All attaining	M&E / Remove	NA
		Aquatic Life Use	Lead (Dissolved)	1. - All attaining	M&E / Remove	NA
		Aquatic Life Use	Copper (Dissolved)	1. - All attaining	M&E / Remove	NA
		Aquatic Life Use	Temperature	1. - All attaining	M&E / Remove	NA
		Aquatic Life Use	Copper (Dissolved)	3b. - M&E list	Retain	NA
		Aquatic Life Use	Lead (Dissolved)	3b. - M&E list	Retain	NA
		Water Supply Use	Arsenic (Total)	3b. - M&E list	M&E / New	NA
		Water Supply Use	Manganese (Dissolved)	3b. - M&E list	M&E / New	NA
		Aquatic Life Use	Iron (Total)	5. - 303(d)	303(d) / New	H
Listed portion:	¹	COSJSJ06a_D	Mainstem of the San Juan River from a point immediately below the confluence with the West Fork of San Juan River to the confluence with Fourmile Creek.			
		Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
		Aquatic Life Use	Macroinvertebrates	3b. - M&E list	Retain	NA
		Aquatic Life Use	Lead (Dissolved)	3b. - M&E list	Retain	NA
Listed portion:	¹	COSJSJ06b_B	Mainstem of Mill Creek, source to confluence with the San Juan River			
		Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
		Aquatic Life Use	Temperature	1. - All attaining	M&E / Remove	NA
		Aquatic Life Use	Temperature	1. - All attaining	M&E / Remove	NA
		Aquatic Life Use	Temperature	1. - All attaining	M&E / Remove	NA
COSJSJ06b		6b. Mainstem of San Juan River from the Southern Ute Indian Reservation northern boundary to Navajo Reservoir.				
Listed portion:	¹	COSJSJ06b_C	Mainstem of the San Juan River from Hwy 160 to the Ute Reservation Boundary.			
		Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
		Aquatic Life Use	Temperature	1. - All attaining	M&E / Remove	NA
		Aquatic Life Use	Lead (Dissolved)	1. - All attaining	M&E / Remove	NA
		Aquatic Life Use	Copper (Dissolved)	1. - All attaining	M&E / Remove	NA
		Aquatic Life Use	Temperature	1. - All attaining	M&E / Remove	NA
		Aquatic Life Use	Copper (Dissolved)	3b. - M&E list	Retain	NA
		Aquatic Life Use	Lead (Dissolved)	3b. - M&E list	Retain	NA
COSJSJ08		8. Navajo Reservoir. Echo Canyon Reservoir.				
Listed portion:	¹	COSJSJ08_B	Echo Canyon Reservoir.			
		Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
		Aquatic Life Use	pH	3b. - M&E list	Retain	NA
		Aquatic Life Use	Dissolved Oxygen	5. - 303(d)	Retain	H
		Aquatic Life Use	Fish (Mercury)	5. - 303(d)	Retain	H

Listed portion:	¹	COSJSJ08_C	Navajo Reservoir.			
		Impaired Use	Analyte	Category / List	Proposed Action	Priority
		Aquatic Life Use	Fish (Mercury)	3b. - M&E list	Retain	NA
COSJSJ09a		9a. Mainstem of the Rio Blanco, including all tributaries and wetlands, from a point immediately below the confluence with Leche Creek to the Southern Ute Indian Reservation boundary, except for specific listings in Segment 10.				
Listed portion:	¹	COSJSJ09a_A	Mainstem of the Rio Blanco, including all tributaries and wetlands, from a point immediately below the confluence with Leche Creek to the Southern Ute Indian Reservation boundary, except for specific listings in Segment 10.			
		Impaired Use	Analyte	Category / List	Proposed Action	Priority
		Aquatic Life Use	Silver (Dissolved)	1. - All attaining	M&E / Remove	NA
		Aquatic Life Use	Lead (Dissolved)	1. - All attaining	M&E / Remove	NA
		Aquatic Life Use	pH	1. - All attaining	M&E / Remove	NA
		Aquatic Life Use	D.O.(Temp)	1. - All attaining	303(d) / Remove	NA
		Water Supply Use	Arsenic (Total)	3b. - M&E list	M&E / New	NA
		Water Supply Use	Arsenic (Total)	3b. - M&E list	M&E / New	NA
		Aquatic Life Use	Iron (Total)	5. - 303(d)	303(d) / New	H
COSJSJ10		10. Mainstem of the Rito Blanco River from Echo Ditch to the confluence with the Rio Blanco River.				
Listed portion:	¹	COSJSJ10_A	Mainstem of the Rito Blanco River from Echo Ditch to the confluence with the Rio Blanco River.			
		Impaired Use	Analyte	Category / List	Proposed Action	Priority
		Aquatic Life Use	Temperature	3b. - M&E list	Retain	NA
		Recreational Use	E. coli	3b. - M&E list	Retain	NA
COSPBD01		1. Mainstem of Big Dry Creek, including all tributaries and wetlands, from the source to the confluence with the South Platte River, except for specific listing in Segments 4a, 4b, 5 and 6.				
Listed portion:	¹	COSPBD01_A	Mainstem of Big Dry Creek, including all tributaries and wetlands, from the source to Weld County road 8, except for specific listing in Segments 4a, 4b, 5 and 6.			
		Impaired Use	Analyte	Category / List	Proposed Action	Priority
		Recreational Use	E. coli	5. - 303(d)	Retain	L
Listed portion:	¹	COSPBD01_B	Mainstem of Big Dry Creek From Weld County road 8 to the confluence with the South Platte River			
		Impaired Use	Analyte	Category / List	Proposed Action	Priority
		Recreational Use	E. coli	5. - 303(d)	Retain	L
		Aquatic Life Use	Iron (Total)	5. - 303(d)	Retain	M
COSPBE01a		1a. Mainstem of Bear Creek from the boundary of the Mt. Evans Wilderness area to the inlet of Evergreen Lake.				
Listed portion:	¹	COSPBE01a_B	Bear Creek below Yankee Creek to the inlet of Evergreen Lake			
		Impaired Use	Analyte	Category / List	Proposed Action	Priority
		Aquatic Life Use	Temperature	5. - 303(d)	Retain	H

COSPBE01b	1b. Mainstem of Bear Creek from Harriman Ditch to the inlet of Bear Creek Reservoir.				
Listed portion:	¹ COSPBE01b_A	Mainstem of Bear Creek from Harriman Ditch to the inlet of Bear Creek Reservoir.			
	Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
	Aquatic Life Use	Temperature	5. - 303(d)	Retain	M
COSPBE01c	1c. Bear Creek Reservoir.				
Listed portion:	¹ COSPBE01c_A	Bear Creek Reservoir.			
	Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
	Aquatic Life Use	Chlorophyll-A	5. - 303(d)	Retain	H
	Aquatic Life Use	Total Phosphorus	5. - 303(d)	Retain	H
COSPBE01e	1e. Mainstem of Bear Creek from the outlet of Evergreen Lake to the Harriman Ditch.				
Listed portion:	¹ COSPBE01e_A	Mainstem of Bear Creek from Kerr/Swede Gulch to Mount Vernon Creek			
	Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
	Aquatic Life Use	Temperature	5. - 303(d)	Retain	H
Listed portion:	¹ COSPBE01e_B	Bear creek from Mount Vernon Creek to the Harriman Ditch			
	Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
	Aquatic Life Use	Copper (Dissolved)	5. - 303(d)	Retain	H
	Aquatic Life Use	Temperature	5. - 303(d)	Retain	H
COSPBE02	2. Mainstem of Bear Creek from the outlet of Bear Creek Reservoir to the confluence with the South Platte River.				
Listed portion:	¹ COSPBE02_A	Bear Creek from the outlet of Evergreen Lake to Kipling Parkway			
	Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
	Aquatic Life Use	Macroinvertebrates (Provisional)	5. - 303(d)	Retain	L
	Water Supply Use	Arsenic (Total)	5. - 303(d)	Retain	L
Listed portion:	¹ COSPBE02_B	Bear Creek from Kipling Parkway to Wadsworth Boulevard			
	Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
	Water Supply Use	Arsenic (Total)	5. - 303(d)	Retain	L
	Aquatic Life Use	Macroinvertebrates (Provisional)	5. - 303(d)	Retain	L
Listed portion:	¹ COSPBE02_C	Bear Creek from Wadsworth Boulevard to Forest Hill Road Bridge.			
	Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
	Aquatic Life Use	Macroinvertebrates (Provisional)	5. - 303(d)	Retain	L
	Water Supply Use	Arsenic (Total)	5. - 303(d)	Retain	L
	Recreational Use	E. coli	5. - 303(d)	Retain	H
COSPBE03	3. All tributaries to Bear Creek, including all wetlands, from the source to the outlet of Evergreen Lake. Except for specific listings in Segment 7.				
Listed portion:	¹ COSPBE03_B	Vance Creek and tributaries			
	Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
	Aquatic Life Use	Temperature	5. - 303(d)	Retain	H

COSPBE06a	6a. Turkey Creek system, including all tributaries and wetlands, from the source to the inlet of Bear Creek Reservoir, except for specific listings in Segment 6b.				
Listed portion:	¹ COSPBE06a_B	Turkey Creek system, including all tributaries and wetlands , from the source to the Bear Lake to Parmalee Gulch, except for specific listings in Segment 6b.			
	Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
	Aquatic Life Use	Temperature	3b. - M&E list	Retain	NA
COSPBE06b	6b. Mainstem of North Turkey Creek, from the source to the confluence with Turkey Creek.				
Listed portion:	¹ COSPBE06b_A	Mainstem of North Turkey Creek, from the source to the confluence with Turkey Creek.			
	Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
	Aquatic Life Use	Temperature	3b. - M&E list	Retain	NA
COSPBE11	11. Lakes and reservoirs in the Bear Creek system from the outlet of Evergreen Lake to the confluence with the South Platte River, except as specified in Segments 1c, 10, and 12; includes Soda Lakes.				
Listed portion:	¹ COSPBE11_B	Harriman Reservoir.			
	Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
	Aquatic Life Use	Arsenic (Total)	3b. - M&E list	Retain	NA
COSPBO02a	2a. Mainstem of Boulder Creek, including all tributaries and wetlands, from the boundary of the Indian Peaks Wilderness Area to a point immediately below the confluence with North Boulder Creek, except for the specific listings in Segment 3.				
Listed portion:	¹ COSPBO02a_A	Mainstem of Middle Boulder Creek below 39.971 -105.4755, including all tributaries and wetlands, from the boundary of the Indian Peaks Wilderness Area to a point immediately below the confluence with North Boulder Creek, except for the specific listings in Segment 3.			
	Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
	Water Supply Use	Arsenic (Total)	5. - 303(d)	Retain	L
Listed portion:	¹ COSPBO02a_B	North Boulder Creek from Caribou Creek to the confluence with Como Creek			
	Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
	Aquatic Life Use	Iron (Dissolved)	3b. - M&E list	Retain	NA
	Aquatic Life Use	Copper (Dissolved)	5. - 303(d)	Retain	H
	Water Supply Use	Arsenic (Total)	5. - 303(d)	Retain	L
Listed portion:	¹ COSPBO02a_C	North Boulder Creek to the confluence with Caribou Creek.			
	Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
	Water Supply Use	Arsenic (Total)	5. - 303(d)	Retain	L
	Aquatic Life Use	Copper (Dissolved)	5. - 303(d)	Retain	H
	Aquatic Life Use	Lead (Dissolved)	5. - 303(d)	Retain	H
Listed portion:	¹ COSPBO02a_D	Middle Boulder Creek from the outlet at Baker Reservoir to Longitude:-105.475577° Latitude: 39.971275°			
	Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
	Water Supply Use	Manganese (Dissolved)	3b. - M&E list	Retain	NA
	Water Supply Use	Arsenic (Total)	5. - 303(d)	Retain	L
	Aquatic Life Use	Macroinvertebrates (Provisional)	5. - 303(d)	Retain	L

Listed portion:	¹	COSPBO02a_E	Mainstem of North Boulder Creek from Como Creek to the confluence of Middle Boulder Creek			
		Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
		Water Supply Use	Arsenic (Total)	5. - 303(d)	Retain	L
Listed portion:	¹	COSPBO02a_F	Como Creek and its tributaries from source to North Boulder Creek			
		Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
		Water Supply Use	Arsenic (Total)	5. - 303(d)	Retain	L
		Aquatic Life Use	Iron (Total)	5. - 303(d)	Retain	H
		Water Supply Use	Iron (Dissolved)	5. - 303(d)	Retain	L
COSPBO02b		2b. Mainstem of Boulder Creek, including all tributaries and wetlands, from a point immediately below the confluence with North Boulder Creek to a point immediately above the confluence with South Boulder Creek.				
Listed portion:	¹	COSPBO02b_B	Mainstem of Boulder Creek from 13th St. to immediately above the confluence with South Boulder Creek.			
		Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
		Recreational Use	E. coli	4a. - TMDL	Retain	NA
		Water Supply Use	Arsenic (Total)	5. - 303(d)	Retain	L
Listed portion:	¹	COSPBO02b_C	Mainstem of Boulder Creek, including all tributaries and wetlands, from the a point immediately below the confluence with North Boulder Creek to a point immediately above 13th St.			
		Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
		Water Supply Use	Arsenic (Total)	5. - 303(d)	Retain	L
COSPBO03		3. Mainstem of Middle Boulder Creek, including all tributaries and wetlands, from the source to the outlet of Barker Reservoir, except for specific listings in Segment 1.				
Listed portion:	¹	COSPBO03_A	Tributaries and wetlands to Middle Boulder Creek, from the source to the outlet of Barker Reservoir, except for specific listings in Segment 1.			
		Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
		Water Supply Use	Arsenic (Total)	5. - 303(d)	Retain	L
Listed portion:	¹	COSPBO03_B	Mainstem of the Middle Boulder Creek, from the source to the outlet of Barker Reservoir, except for specific listings in Segment 1.			
		Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
		Water Supply Use	Arsenic (Total)	5. - 303(d)	Retain	L
		Aquatic Life Use	Macroinvertebrates (Provisional)	5. - 303(d)	Retain	L
COSPBO04a		4a. Mainstem of South Boulder Creek, including all tributaries and wetlands, from the source to the outlet of Gross Reservoir except for specific listings in Segment 1.				
Listed portion:	¹	COSPBO04a_A	Mainstem of South Boulder Creek, including all tributaries and wetlands, from the source to the outlet of Gross Reservoir except for specific listings in Segment 1 and Gamble Gulch			
		Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
		Aquatic Life Use	Copper (Dissolved)	5. - 303(d)	Retain	H

Listed portion:	¹	COSPBO04a_B	Gamble Gulch			
		Impaired Use	Analyte	Category / List	Proposed Action	Priority
		Aquatic Life Use	Cadmium (Dissolved)	4a. - TMDL	Retain	NA
		Aquatic Life Use	Copper (Dissolved)	4a. - TMDL	Retain	NA
		Aquatic Life Use	pH	4a. - TMDL	Retain	NA
		Aquatic Life Use	Zinc (Dissolved)	4a. - TMDL	Retain	NA
COSPBO04b		4b. Mainstem of South Boulder Creek, including all tributaries and wetlands, from the outlet of Gross Reservoir to South Boulder Road, except for specific listings in Segments 4c and 4d.				
Listed portion:	¹	COSPBO04b_B	Mainstem of South Boulder Creek, including all tributaries and wetlands, from the outlet of Gross Reservoir to South Boulder Road, except for specific listings in Segments 4c and 4d.			
		Impaired Use	Analyte	Category / List	Proposed Action	Priority
		Aquatic Life Use	Copper (Dissolved)	5. - 303(d)	Retain	H
		Water Supply Use	Arsenic (Total)	5. - 303(d)	Retain	L
COSPBO07a		7a. Mainstem of Coal Creek from Highway 93 to Highway 36 (Boulder Turnpike).				
Listed portion:	¹	COSPBO07a_A	Mainstem of Coal Creek from Highway 93 to Highway 36 (Boulder Turnpike).			
		Impaired Use	Analyte	Category / List	Proposed Action	Priority
		Aquatic Life Use	Macroinvertebrates (Provisional)	5. - 303(d)	Retain	L
COSPBO07b		7b. Mainstem of Coal Creek from Highway 36 to the confluence with Boulder Creek.				
Listed portion:	¹	COSPBO07b_A	Mainstem of Coal Creek from Highway 36 to the confluence with Rock Creek.			
		Impaired Use	Analyte	Category / List	Proposed Action	Priority
		Aquatic Life Use	Macroinvertebrates	3b. - M&E list	Retain	NA
		Recreational Use	E. coli	5. - 303(d)	Retain	H
Listed portion:	¹	COSPBO07b_B	Mainstem of Coal Creek from Rock Creek to Boulder Creek			
		Impaired Use	Analyte	Category / List	Proposed Action	Priority
		Aquatic Life Use	Macroinvertebrates	3b. - M&E list	Retain	NA
		Recreational Use	E. coli	5. - 303(d)	Retain	H
		Aquatic Life Use	Selenium (Dissolved)	5. - 303(d)	Retain	M
COSPBO08		8. All tributaries to South Boulder Creek, including all wetlands from South Boulder Road to the confluence with Boulder Creek and all tributaries to Coal Creek, including all wetlands from Highway 93 to the confluence with Boulder Creek.				
Listed portion:	¹	COSPBO08_B	Rock Creek.			
		Impaired Use	Analyte	Category / List	Proposed Action	Priority
		Recreational Use	E. coli	3b. - M&E list	Retain	NA
		Aquatic Life Use	Selenium (Dissolved)	5. - 303(d)	Retain	L

COSPBO09	9. Mainstem of Boulder Creek from a point immediately above the confluence with South Boulder Creek to the confluence with Coal Creek.				
Listed portion:	¹ COSPBO09_A	Mainstem of Boulder Creek from a point immediately above the confluence with South Boulder Creek to 107th Street			
	Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
	Aquatic Life Use	Ammonia	4a. - TMDL	Retain	NA
	Recreational Use	E. coli	5. - 303(d)	Retain	H
	Water Supply Use	Arsenic (Total)	5. - 303(d)	Retain	L
Listed portion:	¹ COSPBO09_B	Mainstem of Boulder Creek from 107th Street to Coal Creek			
	Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
	Aquatic Life Use	Ammonia	4a. - TMDL	Retain	NA
	Aquatic Life Use	Macroinvertebrates (Provisional)	5. - 303(d)	Retain	L
	Recreational Use	E. coli	5. - 303(d)	Retain	H
	Water Supply Use	Arsenic (Total)	5. - 303(d)	Retain	L
COSPBO10	10. Mainstem of Boulder Creek from the confluence with Coal Creek to the confluence with St. Vrain Creek.				
Listed portion:	¹ COSPBO10_A	Mainstem of Boulder Creek from the confluence with Coal Creek to the confluence with St. Vrain Creek.			
	Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
	Aquatic Life Use	Ammonia	4a. - TMDL	Retain	NA
	Aquatic Life Use	pH	5. - 303(d)	Retain	H
	Recreational Use	E. coli	5. - 303(d)	Retain	H
	Water Supply Use	Arsenic (Total)	5. - 303(d)	Retain	L
COSPBO14	14. All lakes and reservoirs tributary to Boulder Creek from the source to a point immediately above the South Boulder Creek confluence, except as specified in Segment 13. This segment includes Barker and Lakewood Reservoir.				
Listed portion:	¹ COSPBO14_B	Barker Reservoir.			
	Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
	Aquatic Life Use	Silver (Dissolved)	3b. - M&E list	Retain	NA
	Water Supply Use	Iron (Dissolved)	3b. - M&E list	Retain	NA
	Water Supply Use	Manganese (Dissolved)	3b. - M&E list	Retain	NA
	Aquatic Life Use	Copper (Dissolved)	5. - 303(d)	Retain	H
	Water Supply Use	Arsenic (Total)	5. - 303(d)	Retain	L
COSPBO18	18. Gross Reservoir.				
Listed portion:	¹ COSPBO18_A	Gross Reservoir			
	Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
	Aquatic Life Use	Fish (Mercury)	3b. - M&E list	Retain	NA

COSPBT01	1. Mainstem of the Big Thompson River, including all tributaries and wetlands, within Rocky Mountain National Park, except for specific listings in Segment 2.					
Listed portion:	¹	COSPBT01_A	Mainstem of the Big Thompson River, including all tributaries and wetlands, within Rocky Mountain National Park, except for specific listings in Segment 2.			
		Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
		Aquatic Life Use	Copper (Dissolved)	5. - 303(d)	Retain	H
		Water Supply Use	Arsenic (Total)	5. - 303(d)	Retain	H
COSPBT02	2. Mainstem of the Big Thompson River, including all tributaries and wetlands from the boundary of Rocky Mountain National Park to the Home Supply Canal diversion, except for the specific listing in Segment 7; mainstem of Black Canyon Creek and Glacier Creek below Estes Park water treatment plant.					
Listed portion:	¹	COSPBT02_A	Mainstem of the Big Thompson River, including all tributaries and wetlands from UTSD discharge to Cedar Creek, except for the specific listing in Segment 7; mainstem of Black Canyon Creek and Glacier Creek; excluding Fish Creek below Mary's Lake			
		Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
		Aquatic Life Use	Macroinvertebrates	5. - 303(d)	Retain	H
		Water Supply Use	Arsenic (Total)	5. - 303(d)	Retain	L
Listed portion:	¹	COSPBT02_B	Fish Creek below Marys Lake			
		Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
		Aquatic Life Use	Macroinvertebrates	5. - 303(d)	Retain	H
		Water Supply Use	Arsenic (Total)	5. - 303(d)	Retain	L
		Aquatic Life Use	pH	5. - 303(d)	Retain	H
Listed portion:	¹	COSPBT02_C	Mainstem of the Big Thompson River, including all tributaries and wetlands, from RMNP to USTD discharge.			
		Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
		Aquatic Life Use	Macroinvertebrates	5. - 303(d)	Retain	H
		Water Supply Use	Arsenic (Total)	5. - 303(d)	Retain	L
		Aquatic Life Use	Copper (Dissolved)	5. - 303(d)	Retain	M
Listed portion:	¹	COSPBT02_D	Mainstem of the Big Thompson River, including all tributaries and wetlands, from Cedar Creek to Home Supply Canal			
		Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
		Aquatic Life Use	Macroinvertebrates	5. - 303(d)	Retain	H
		Water Supply Use	Arsenic (Total)	5. - 303(d)	Retain	L
		Aquatic Life Use	Temperature	5. - 303(d)	Retain	H
COSPBT03	3. Mainstem of the Big Thompson River from the Home Supply Canal diversion to the Big Barnes Ditch diversion.					
Listed portion:	¹	COSPBT03_A	Mainstem of the Big Thompson River from the Home Supply Canal diversion to the Big Barnes Ditch diversion.			
		Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
		Water Supply Use	Arsenic (Total)	5. - 303(d)	Retain	L
		Aquatic Life Use	Copper (Dissolved)	5. - 303(d)	Retain	M

COSPBT04b	4b. Mainstem of the Big Thompson from the Greeley-Loveland Canal diversion to County Road 11H.				
Listed portion:	¹ COSPBT04b_A	Mainstem of the Big Thompson from the Greeley-Loveland Canal diversion to County Road 11H.			
	Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
	Aquatic Life Use	Selenium (Dissolved)	5. - 303(d)	Retain	L
COSPBT05	5. Mainstem of The Big Thompson River from I-25 to the confluence with the South Platte River.				
Listed portion:	¹ COSPBT05_A	Mainstem of The Big Thompson River from I-25 to the confluence with the South Platte River.			
	Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
	Recreational Use	E. coli	3b. - M&E list	Retain	NA
	Aquatic Life Use	Selenium (Dissolved)	5. - 303(d)	Retain	L
COSPBT07	7. Mainstem of the North Fork of the Big Thompson River from the boundary of Rocky Mountain National Park to the confluence with the Big Thompson River; mainstem of Buckhorn Creek from the source to the confluence with the Big Thompson River.				
Listed portion:	¹ COSPBT07_A	Mainstem of Buckhorn Creek from the source to the confluence with the Big Thompson River.			
	Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
	Water Supply Use	Manganese (Dissolved)	3b. - M&E list	Retain	NA
	Water Supply Use	Arsenic (Total)	5. - 303(d)	Retain	L
Listed portion:	¹ COSPBT07_B	Mainstem of the North Fork of the Big Thompson River from the boundary of Rocky Mountain National Park to the confluence with the Big Thompson River			
	Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
	Aquatic Life Use	Arsenic (Total)	5. - 303(d)	Retain	L
	Aquatic Life Use	Copper (Dissolved)	5. - 303(d)	Retain	H
	Water Supply Use	Arsenic (Total)	5. - 303(d)	Retain	L
	Aquatic Life Use	Copper (Dissolved)	5. - 303(d)	Retain	H
COSPBT08	8. Mainstem of the Little Thompson River, including all tributaries and wetlands, from the source to the Culver Ditch diversion.				
Listed portion:	¹ COSPBT08_A	Mainstem of the Little Thompson River, including all tributaries and wetlands, from the source to the Culver Ditch diversion.			
	Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
	Aquatic Life Use	Temperature	3b. - M&E list	Retain	NA
	Water Supply Use	Arsenic (Total)	5. - 303(d)	Retain	L
Listed portion:	¹ COSPBT08_B	Mainstem of the Little Thompson River, including all tributaries and wetlands, from source to St. Vrain Supply Canal			
	Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
	Aquatic Life Use	Temperature	3b. - M&E list	Retain	NA
	Water Supply Use	Arsenic (Total)	5. - 303(d)	Retain	L
	Water Supply Use	Sulfate	5. - 303(d)	Retain	L

COSPBT09	9. Mainstem of the Little Thompson River from the Culver Ditch diversion to the confluence with the Big Thompson River.				
Listed portion:	¹ COSPBT09_A	Mainstem of the Little Thompson River from the Culver Ditch diversion to the confluence with the Big Thompson River.			
	Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
	Aquatic Life Use	Selenium (Dissolved)	5. - 303(d)	Retain	L
	Recreational Use	E. coli	5. - 303(d)	Retain	H
COSPBT10	10. All tributaries to the Little Thompson River, including all wetlands, from the Culver Ditch diversion to the confluence with the Big Thompson River.				
Listed portion:	¹ COSPBT10_A	All tributaries to the Little Thompson River, including all wetlands, from the Culver Ditch diversion to the confluence with the Big Thompson River; excluding Big Hollow Creek			
	Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
	Aquatic Life Use	Dissolved Oxygen	3b. - M&E list	Retain	NA
COSPBT11	11. Carter Lake.				
Listed portion:	¹ COSPBT11_A	Carter Lake.			
	Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
	Aquatic Life Use	Fish (Mercury)	5. - 303(d)	Retain	H
	Water Supply Use	Arsenic (Total)	5. - 303(d)	Retain	H
COSPBT16	16. All lakes and reservoirs tributary to the Big Thompson River from the boundary of Rocky Mountain National Park to the Home Supply Canal diversion. This segment includes Lake Estes and St Mary's Lake.				
Listed portion:	¹ COSPBT16_B	Lake Estes			
	Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
	Aquatic Life Use	Copper (Dissolved)	5. - 303(d)	Retain	H
	Aquatic Life Use	Lead (Dissolved)	5. - 303(d)	Retain	H
COSPCH01	1. Mainstem of Cherry Creek from the source of East and West Cherry Creek to the inlet of Cherry Creek Reservoir.				
Listed portion:	¹ COSPCH01_A	Mainstem of Cherry Creek from the source of East and West Cherry Creek to the inlet of Cherry Creek Reservoir.			
	Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
	Water Supply Use	Manganese (Dissolved)	3b. - M&E list	Retain	NA
COSPCH02	2. Cherry Creek Reservoir.				
Listed portion:	¹ COSPCH02_A	Cherry Creek Reservoir.			
	Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
	Aquatic Life Use	Chlorophyll-A	5. - 303(d)	Retain	H
	Aquatic Life Use	Dissolved Oxygen	5. - 303(d)	Retain	H

COSPCH03	3. Mainstem of Cherry Creek from the outlet of Cherry Creek Reservoir to the confluence with the South Platte River.					
Listed portion:	¹	COSPCH03_A	Mainstem of Cherry Creek from the outlet of Cherry Creek Reservoir to Holly Street.			
		Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
		Recreational Use	E. coli	5. - 303(d)	Retain	H
Listed portion:	¹	COSPCH03_B	Mainstem of Cherry Creek from Holly street to the confluence with the South Platte River.			
		Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
		Recreational Use	E. coli	5. - 303(d)	Retain	H
COSPCH04a	4a. All tributaries to Cherry Creek, including all wetlands, from the source of East and West Cherry Creeks to the confluence with the South Platte River except for specific listings in Segment 4b.					
Listed portion:	¹	COSPCH04a_B	Goldsmith Gulch			
		Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
		Aquatic Life Use	Selenium (Dissolved)	5. - 303(d)	Retain	M
		Recreational Use	E. coli	5. - 303(d)	Retain	H
Listed portion:	¹	COSPCH04a_C	McMurdo Gulch			
		Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
		Aquatic Life Use	Dissolved Oxygen	1. - All attaining	303(d) / Remove	L
COSPCH04b	4b. Cottonwood Creek, including all tributaries and wetlands, from the source to Cherry Creek Reservoir.					
Listed portion:	¹	COSPCH04b_B	Upper Windmill Creek			
		Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
		Aquatic Life Use	Selenium (Dissolved)	5. - 303(d)	Retain	L
COSPCH06	6. Lakes and reservoirs in watersheds tributary to Cherry Creek within the City and County of Denver.					
Listed portion:	¹	COSPCH06_B	Lollipop Lake			
		Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
		Aquatic Life Use	Dissolved Oxygen	5. - 303(d)	Retain	M
COSPCL01	1. Mainstem of Clear Creek, including all tributaries and wetlands, from the source to the I-70 bridge above Silver Plume.					
Listed portion:	¹	COSPCL01_B	Kearney Gulch, Grizzly Gulch			
		Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
		Aquatic Life Use	Macroinvertebrates	3b. - M&E list	Retain	NA

COSPCL02a	2a. Mainstem of Clear Creek, including all tributaries and wetlands, from the I-70 bridge above Silver Plume to a point just above the confluence with West Fork Clear Creek,except for specific listings in Segments 3a and 3b.					
Listed portion:	¹	COSPCL02a_A	Mainstem of Clear Creek, including all tributaries and wetlands, from the I-70 bridge above Silver Plume to a point just above the confluence with West Fork Clear Creek, except for specific listings in Segments 3a and 3b.			
		Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
		Aquatic Life Use	Copper (Dissolved)	4a. - TMDL	Retain	NA
		Aquatic Life Use	Lead (Dissolved)	4a. - TMDL	Retain	NA
		Aquatic Life Use	Zinc (Dissolved)	4a. - TMDL	Retain	NA
		Aquatic Life Use	Cadmium (Dissolved)	5. - 303(d)	Retain	H
COSPCL02b	2b. Mainstem of Clear Creek, including all tributaries and wetlands, from the confluence with West Fork Clear Creek to a point just below the confluence with Mill Creek, except for specific listings in Segments 4 through 8.					
Listed portion:	¹	COSPCL02b_B	Mainstem of Clear Creek from the confluence with West Fork Clear Creek to a point just below the confluence with Mill Creek, except for specific listings in Segments 4 through 8.			
		Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
		Aquatic Life Use	Copper (Dissolved)	4a. - TMDL	Retain	NA
		Aquatic Life Use	Lead (Dissolved)	4a. - TMDL	Retain	NA
		Aquatic Life Use	Zinc (Dissolved)	5. - 303(d)	Retain	H
Listed portion:	¹	COSPCL02b_C	All tributaries and wetlands of Clear Creek, from the confluence with West Fork Clear Creek to a point just below the confluence with Mill Creek, except for specific listings in Segments 4 through 8.			
		Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
		Aquatic Life Use	Zinc (Dissolved)	5. - 303(d)	Retain	H
COSPCL02c	2c. Mainstem of Clear Creek, including all tributaries and wetlands, from a point just below the confluence with Mill Creek to a point just above the Argo Tunnel discharge, except for specific listings in Segments 9a, 9b, and 10.					
Listed portion:	¹	COSPCL02c_B	Turkey Gulch below Rockford Tunnel			
		Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
		Aquatic Life Use	Macroinvertebrates	3b. - M&E list	Retain	NA
		Aquatic Life Use	Cadmium (Dissolved)	5. - 303(d)	Retain	H
		Aquatic Life Use	Copper (Dissolved)	5. - 303(d)	Retain	H
		Aquatic Life Use	Manganese (Dissolved)	5. - 303(d)	Retain	L
		Aquatic Life Use	Nickel (Dissolved)	5. - 303(d)	Retain	H
		Aquatic Life Use	Iron (Total)	5. - 303(d)	Retain	H
		Aquatic Life Use	Manganese (Dissolved)	5. - 303(d)	Retain	L
		Aquatic Life Use	Nickel (Dissolved)	5. - 303(d)	Retain	H
		Aquatic Life Use	Zinc (Dissolved)	5. - 303(d)	Retain	H
		Water Supply Use	Iron (Dissolved)	5. - 303(d)	Retain	L
		Water Supply Use	Manganese (Dissolved)	5. - 303(d)	Retain	L

Listed portion:	¹	COSPCL02c_C	Mainstem of Clear Creek, from the confluence with West Fork Clear Creek to a point just below the confluence with Mill Creek.			
		Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
		Aquatic Life Use	Macroinvertebrates	3b. - M&E list	Retain	NA
		Aquatic Life Use	Copper (Dissolved)	4a. - TMDL	Retain	NA
		Aquatic Life Use	Lead (Dissolved)	4a. - TMDL	Retain	NA
		Aquatic Life Use	Zinc (Dissolved)	4a. - TMDL	Retain	NA
		Aquatic Life Use	Cadmium (Dissolved)	5. - 303(d)	Retain	H
Listed portion:	¹	COSPCL02c_D	All tributaries and wetlands of Clear Creek, from the confluence with West Fork Clear Creek to a point just below the confluence with Mill Creek, except for specific listings in Segments 4 through 8, and Turkey Gulch below Rockford.			
		Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
		Aquatic Life Use	Macroinvertebrates	3b. - M&E list	Retain	NA
		Aquatic Life Use	Cadmium (Dissolved)	5. - 303(d)	Retain	H
COSPCL03a		3a. Mainstem of South Clear Creek, including all tributaries and wetlands, from the source to the confluence with Clear Creek, except for the specific listings in Segments 3b and 19.				
Listed portion:	¹	COSPCL03a_A	Mainstem of South Clear Creek, including all tributaries and wetlands, from the source to Lower Cabin Creek Reservoir, except for the specific listings in Segments 3b and 19.			
		Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
		Aquatic Life Use	Zinc (Dissolved)	4a. - TMDL	Retain	NA
Listed portion:	¹	COSPCL03a_B	Mainstem of South Clear Creek, including all tributaries and wetlands, from a point just above Clear Lake to confluence with Clear Creek			
		Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
		Aquatic Life Use	Zinc (Dissolved)	4a. - TMDL	Retain	NA
		Aquatic Life Use	Macroinvertebrates	4b. - 4b plan	Retain	NA
		Aquatic Life Use	Copper (Dissolved)	5. - 303(d)	Retain	H
Listed portion:	¹	COSPCL03a_C	Mainstem of South Clear Creek from Lower Cabin Creek Reservoir to Clear Lake.			
		Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
		Aquatic Life Use	Zinc (Dissolved)	4a. - TMDL	Retain	NA
		Aquatic Life Use	Macroinvertebrates	4b. - 4b plan	Retain	NA
COSPCL03b		3b. Mainstem of Leavenworth Creek from source to confluence with South Clear Creek.				
Listed portion:	¹	COSPCL03b_A	Mainstem of Leavenworth Creek from source to confluence with South Clear Creek.			
		Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
		Aquatic Life Use	Cadmium (Dissolved)	3b. - M&E list	Retain	NA
		Water Supply Use	Manganese (Dissolved)	3b. - M&E list	Retain	NA
		Aquatic Life Use	Lead (Dissolved)	4a. - TMDL	Retain	NA
		Aquatic Life Use	Zinc (Dissolved)	4a. - TMDL	Retain	NA
		Aquatic Life Use	Copper (Dissolved)	5. - 303(d)	Retain	M

COSPCL05	5. Mainstem of West Fork Clear Creek from the confluence with Woods Creek to the confluence with Clear Creek.				
Listed portion:	¹ COSPCL05_B	West Fork of Clear Creek from Hoop Creek to the confluence with Clear Creek			
	Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
	Aquatic Life Use	Copper (Dissolved)	5. - 303(d)	Retain	H
COSPCL06	6. All tributaries to West Fork Clear Creek, including all wetlands, from the source to the confluence with Clear Creek, except for specific listings in Segments 7 and 8.				
Listed portion:	¹ COSPCL06_C	North Empire Creek			
	Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
	Aquatic Life Use	Cadmium (Dissolved)	3b. - M&E list	Retain	NA
	Aquatic Life Use	Iron (Total)	3b. - M&E list	Retain	NA
	Aquatic Life Use	Zinc (Dissolved)	3b. - M&E list	Retain	NA
	Water Supply Use	Iron (Dissolved)	3b. - M&E list	Retain	NA
	Water Supply Use	Sulfate	3b. - M&E list	Retain	NA
	Aquatic Life Use	Copper (Dissolved)	5. - 303(d)	Retain	H
COSPCL09a	9a. Mainstem of Fall River, including all tributaries and wetlands, from the source to the confluence with Clear Creek.				
Listed portion:	¹ COSPCL09a_B	Silver Creek			
	Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
	Aquatic Life Use	Copper (Dissolved)	5. - 303(d)	Retain	H
	Aquatic Life Use	Lead (Dissolved)	5. - 303(d)	Retain	H
Listed portion:	¹ COSPCL09a_C	Mainstem of Fall River from the source to the confluence with Clear Creek			
	Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
	Aquatic Life Use	Copper (Dissolved)	4a. - TMDL	Retain	NA
COSPCL09b	9b. Mainstem of Trail Creek, including all tributaries and wetlands from the source to the confluence with Clear Creek.				
Listed portion:	¹ COSPCL09b_A	Mainstem of Trail Creek, including all tributaries and wetlands from the source to the confluence with Clear Creek.			
	Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
	Water Supply Use	Manganese (Dissolved)	3b. - M&E list	Retain	NA
	Aquatic Life Use	Copper (Dissolved)	4a. - TMDL	Retain	NA
	Aquatic Life Use	Lead (Dissolved)	4a. - TMDL	Retain	NA
	Aquatic Life Use	Zinc (Dissolved)	4a. - TMDL	Retain	NA
	Aquatic Life Use	Cadmium (Dissolved)	5. - 303(d)	Retain	H
	Aquatic Life Use	pH	5. - 303(d)	Retain	H
COSPCL10	10. Mainstem of Chicago Creek, including all tributaries and wetlands, from the source to the confluence with Clear Creek, except for specific listings in Segment 19.				
Listed portion:	¹ COSPCL10_A	Mainstem of Chicago Creek, including all tributaries and wetlands, from the source to the confluence with Clear Creek, except for specific listings in Segment 19.			
	Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
	Aquatic Life Use	Copper (Dissolved)	5. - 303(d)	Retain	H

COSPCL11	11. Mainstem of Clear Creek from a point just above the Argo Tunnel discharge to the Farmers Highline Canal diversion in Golden, Colorado.					
Listed portion:	¹	COSPCL11_A	Mainstem of Clear Creek from a point just above the Argo Tunnel discharge to the Farmers Highline Canal diversion in Golden, Colorado.			
		Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
		Aquatic Life Use	Lead (Dissolved)	4a. - TMDL	Retain	NA
		Aquatic Life Use	Zinc (Dissolved)	4a. - TMDL	Retain	NA
		Aquatic Life Use	Cadmium (Dissolved)	5. - 303(d)	Retain	H
		Aquatic Life Use	Temperature	5. - 303(d)	Retain	H
COSPCL12a	12a. All tributaries to Clear Creek, including all wetlands, from the Argo Tunnel discharge to the Farmers Highline Canal diversion in Golden, Colorado, except for specific listings in Segments 12b, 13a and 13b.					
Listed portion:	¹	COSPCL12a_A	All tributaries, excluding Gilson Gulch, to Clear Creek, including all wetlands, from the Argo Tunnel discharge to the Farmers Highline Canal diversion in Golden, Colorado, except for specific listings in Segments 12b, 13a, and 13b.			
		Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
		Aquatic Life Use	Dissolved Oxygen	3b. - M&E list	Retain	NA
		Water Supply Use	Manganese (Dissolved)	3b. - M&E list	Retain	NA
		Aquatic Life Use	Cadmium (Dissolved)	5. - 303(d)	Retain	M
		Aquatic Life Use	Copper (Dissolved)	5. - 303(d)	Retain	M
		Aquatic Life Use	Zinc (Dissolved)	5. - 303(d)	Retain	H
Listed portion:	¹	COSPCL12a_B	Gilson Gulch and its tributaries			
		Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
		Aquatic Life Use	pH	3b. - M&E list	Retain	NA
		Water Supply Use	Sulfate	3b. - M&E list	Retain	NA
		Water Supply Use	Iron (Dissolved)	3b. - M&E list	Retain	NA
		Water Supply Use	Manganese (Dissolved)	3b. - M&E list	Retain	NA
		Aquatic Life Use	Cadmium (Dissolved)	5. - 303(d)	Retain	M
		Aquatic Life Use	Copper (Dissolved)	5. - 303(d)	Retain	M
		Aquatic Life Use	Nickel (Dissolved)	5. - 303(d)	Retain	M
		Aquatic Life Use	Lead (Dissolved)	5. - 303(d)	Retain	M
		Aquatic Life Use	Selenium (Dissolved)	5. - 303(d)	Retain	M
		Aquatic Life Use	Zinc (Dissolved)	5. - 303(d)	Retain	H
COSPCL13b	13b. Mainstem of North Clear Creek including all tributaries and wetlands from a point just below the confluence with Chase Gulch to the confluence with Clear Creek, except for the specific listings in Segment 13a.					
Listed portion:	¹	COSPCL13b_A	all tributaries and wetlands to North Clear Creek from a point just below the confluence with Chase Gulch to the confluence with Clear Creek, except for the specific listings in Segment 13a.			
		Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
		Aquatic Life Use	Cadmium (Dissolved)	4a. - TMDL	Retain	NA
		Aquatic Life Use	Iron (Dissolved)	4a. - TMDL	Retain	NA
		Aquatic Life Use	Manganese (Dissolved)	4a. - TMDL	Retain	NA
		Aquatic Life Use	Zinc (Dissolved)	4a. - TMDL	Retain	NA

Listed portion:	¹	COSPCL13b_B	Mainstem of N. Clear Creek from a point just below the confluence with Chase Gulch to the confluence with Clear Creek, except for the specific listings in Segment 13a.			
		Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
		Aquatic Life Use	Iron (Dissolved)	4a. - TMDL	Retain	NA
		Aquatic Life Use	Manganese (Dissolved)	4a. - TMDL	Retain	NA
		Aquatic Life Use	Zinc (Dissolved)	4a. - TMDL	Retain	NA
		Aquatic Life Use	Cadmium (Dissolved)	5. - 303(d)	Retain	M
		Aquatic Life Use	Temperature	5. - 303(d)	Retain	M
COSPCL14a		14a. Mainstem of Clear Creek from the Farmers Highline Canal diversion in Golden, Colorado to the Denver Water conduit #16 crossing.				
Listed portion:	¹	COSPCL14a_A	Mainstem of Clear Creek from the Farmers Highline Canal diversion in Golden, Colorado to Croke Canal Diversion, and from McIntyre St. to the Denver Water conduit #16 crossing.			
		Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
		Aquatic Life Use	Temperature	5. - 303(d)	Retain	M
Listed portion:	¹	COSPCL14a_B	Mainstem of Clear Creek from Croke Canal Diversion to McIntyre Street.			
		Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
		Aquatic Life Use	Macroinvertebrates	5. - 303(d)	Retain	L
		Aquatic Life Use	Temperature	5. - 303(d)	Retain	M
COSPCL14b		14b. Mainstem of Clear Creek from the Denver Water conduit #16 crossing to a point just below Youngfield Street in Wheat Ridge, Colorado.				
Listed portion:	¹	COSPCL14b_A	Mainstem of Clear Creek from the Denver Water conduit #16 crossing to a point just below Youngfield Street in Wheat Ridge, Colorado.			
		Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
		Aquatic Life Use	Ammonia	3b. - M&E list	Retain	NA
		Aquatic Life Use	Temperature	3b. - M&E list	Retain	NA
		Water Supply Use	Iron (Dissolved)	3b. - M&E list	Retain	NA
		Water Supply Use	Manganese (Dissolved)	3b. - M&E list	Retain	NA
		Aquatic Life Use	Sediment	5. - 303(d)	Retain	L
COSPCL15		15. Mainstem of Clear Creek from Youngfield Street in Wheat Ridge, Colorado, to the confluence with the South Platte River.				
Listed portion:	¹	COSPCL15_A	Mainstem of Clear Creek from Youngfield Street in Wheat Ridge, Colorado, to the confluence with the South Platte River.			
		Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
		Aquatic Life Use	Ammonia	5. - 303(d)	Retain	L
		Aquatic Life Use	Sediment	5. - 303(d)	Retain	L
		Aquatic Life Use	Temperature	5. - 303(d)	Retain	L
		Recreational Use	E. coli	5. - 303(d)	Retain	H

COSPCL16a	16a. Mainstem of Lena Gulch including all tributaries and wetlands from its source to the inlet of Maple Grove Reservoir.					
Listed portion:	¹	COSPCL16a_A	Mainstem of Lena Gulch including all tributaries and wetlands from its source to the inlet of Maple Grove Reservoir.			
		Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
		Water Supply Use	Manganese (Dissolved)	3b. - M&E list	Retain	NA
COSPCL17a	17a. Arvada Reservoir.					
Listed portion:	¹	COSPCL17a_A	Arvada Reservoir.			
		Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
		Aquatic Life Use	Dissolved Oxygen	5. - 303(d)	Retain	H
COSPCL17b	17b. Mainstem of Ralston Creek, including all tributaries and wetlands, from the source to the inlet of Arvada Reservoir.					
Listed portion:	¹	COSPCL17b_A	Mainstem of Ralston Creek, including all tributaries and wetlands, from the source to the inlet of Arvada Reservoir.			
		Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
		Aquatic Life Use	Temperature	3b. - M&E list	Retain	NA
		Recreational Use	E. coli	3b. - M&E list	Retain	NA
COSPCL18a	18a. Mainstem of Ralston Creek, including all tributaries and wetlands, from the outlet of Arvada Reservoir to the confluence with Clear Creek.					
Listed portion:	¹	COSPCL18a_A	Mainstem of Ralston Creek, including all tributaries and wetlands, from the outlet of Arvada Reservoir to the confluence with Clear Creek.			
		Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
		Recreational Use	E. coli	5. - 303(d)	Retain	H
COSPCP02a	2a. Mainstem of the Cache La Poudre River, including all tributaries and wetlands, from the boundaries of Rocky Mountain National Park and the Rawah, Neota, Comanche Peak, and Cache La Poudre Wilderness Areas to a point immediately below the confluence with the South Fork Cache La Poudre River.					
Listed portion:	¹	COSPCP02a_A	Mainstem of the Cache La Poudre River, including all tributaries and wetlands from the boundaries of Rocky Mountain National Park, and the Rawah, Neota, Comanche Peak, and Cache La Poudre Wilderness Areas to a point immediately below the confluence with the South Fork Cache La Poudre River.			
		Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
		Aquatic Life Use	Macroinvertebrates (Provisional)	5. - 303(d)	Retain	L
		Water Supply Use	Arsenic (Total)	5. - 303(d)	Retain	H
COSPCP06	6. Mainstem of the North Fork of the Cache La Poudre River, including all tributaries and wetlands, from the source to the inlet of Halligan Reservoir.					
Listed portion:	¹	COSPCP06_A	Mainstem of the North Fork of the Cache La Poudre River, including all tributaries and wetlands, from the source to the inlet of Halligan Reservoir.			
		Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
		Water Supply Use	Arsenic (Total)	5. - 303(d)	Retain	L

COSPCP07	7. Mainstem of the North Fork of the Cache La Poudre River from the inlet of Halligan Reservoir to the confluence with the Cache La Poudre River, except for specific listings in Segment 20.					
Listed portion:	¹	COSPCP07_B	North Fork of Cache la Poudre River from five miles below Halligan Reservoir to the confluence with the mainstem of the Cache la Poudre River			
		Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
		Aquatic Life Use	Silver (Dissolved)	3b. - M&E list	Retain	NA
		Water Supply Use	Arsenic (Total)	3b. - M&E list	Retain	NA
		Water Supply Use	Iron (Dissolved)	3b. - M&E list	Retain	NA
		Aquatic Life Use	Cadmium (Dissolved)	5. - 303(d)	Retain	H
		Aquatic Life Use	Lead (Dissolved)	5. - 303(d)	Retain	M
		Water Supply Use	Manganese (Dissolved)	5. - 303(d)	Retain	L
Listed portion:	¹	COSPCP07_C	North Fork Cache la Poudre River five miles below Halligan Reservoir			
		Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
		Aquatic Life Use	Silver (Dissolved)	3b. - M&E list	Retain	NA
		Water Supply Use	Arsenic (Total)	3b. - M&E list	Retain	NA
		Water Supply Use	Iron (Dissolved)	3b. - M&E list	Retain	NA
		Aquatic Life Use	Sediment	4a. - TMDL	Retain	NA
		Aquatic Life Use	Cadmium (Dissolved)	5. - 303(d)	Retain	M
		Aquatic Life Use	Lead (Dissolved)	5. - 303(d)	Retain	M
		Water Supply Use	Manganese (Dissolved)	5. - 303(d)	Retain	L
COSPCP08	8. All tributaries to the North Fork of the Cache La Poudre River, including all wetlands, from the inlet of Halligan Reservoir to the confluence with the Cache La Poudre River, except for specific listings in Segment 9.					
Listed portion:	¹	COSPCP08_A	All tributaries to the North Fork of the Cache La Poudre River, including all wetlands from, the inlet of Halligan Reservoir to the confluence with the Cache La Poudre River, except for specific listings in Segment 9.			
		Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
		Recreational Use	E. coli	3b. - M&E list	Retain	NA
COSPCP09	9. Mainstem of Rabbit Creek and Lone Pine Creek from the source to the confluence with the North Fork of the Cache La Poudre River.					
Listed portion:	¹	COSPCP09_A	Mainstem of Rabbit Creek and Lone Pine Creek from the source to the confluence with the North Fork of the Cache La Poudre River.			
		Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
		Aquatic Life Use	pH	3b. - M&E list	Retain	NA
		Water Supply Use	Arsenic (Total)	5. - 303(d)	Retain	L
COSPCP10a	10a. Mainstem of the Cache La Poudre River from the Munroe Gravity Canal Headgate (also known as the North Poudre Supply Canal diversion) to a point immediately above the Larimer County Ditch diversion (40.657, -105.185).					
Listed portion:	¹	COSPCP10a_A	Mainstem of the Cache La Poudre River from the Monroe Gravity Canal/North Poudre Supply Canal diversion to Shields Street in Ft. Collins, Colorado.			
		Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
		Water Supply Use	Arsenic (Total)	5. - 303(d)	Retain	L

COSPCP10b	10b. Mainstem of the Cache La Poudre River from a point immediately above the Larimer County Ditch diversion (40.657, -105.185) to Shields Street in Ft. Collins, Colorado.					
Listed portion:	¹	COSPCP10b_A	Mainstem of the Cache La Poudre River from a point immediately above the Larimer County Ditch diversion (40.657, -105.185) to Shields Street in Ft. Collins, Colorado.			
		Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
		Water Supply Use	Arsenic (Total)	5. - 303(d)	Retain	L
		Aquatic Life Use	Temperature	5. - 303(d)	Retain	H
COSPCP11	11. Mainstem of the Cache La Poudre River from Shields Street in Ft. Collins to a point immediately above the confluence with Boxelder Creek.					
Listed portion:	¹	COSPCP11_A	Mainstem of the Cache La Poudre River from Shields Street in Ft. Collins to a point immediately above the confluence with Boxelder Creek.			
		Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
		Recreational Use	E. coli	5. - 303(d)	Retain	L
COSPCP12	12. Mainstem of the Cache La Poudre River from a poin immediately above the confluence with Boxelder Creek to the confluence with the South Platte River.					
Listed portion:	¹	COSPCP12_A	Mainstem of the Cache La Poudre River from a point immediately above the confluence with Boxelder Creek to the confluence with the South Platte River.			
		Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
		Aquatic Life Use	pH	3b. - M&E list	Retain	NA
		Recreational Use	E. coli	5. - 303(d)	Retain	H
COSPCP13a	13a. All tributaries to the Cache La Poudre River, including all wetlands, from the Munroe Gravity Canal/North Poudre Supply canal diversion to the confluence with the South Platte River, except for specific listings in Segments 6, 7, 8, 13b and 13c.					
Listed portion:	¹	COSPCP13a_B	Dry Creek and all tributaries.			
		Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
		Water Supply Use	Manganese (Dissolved)	5. - 303(d)	Retain	L
		Water Supply Use	Sulfate	5. - 303(d)	Retain	L
Listed portion:	¹	COSPCP13a_C	Spring Creek and Fossil Creek.			
		Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
		Recreational Use	E. coli	5. - 303(d)	Retain	H
COSPCP13b	13b. Mainstem of Boxelder Creek from its source to the confluence with the Cache La Poudre River.					
Listed portion:	¹	COSPCP13b_A	Mainstem of Boxelder Creek from its source to the confluence with the Cache La Poudre River.			
		Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
		Aquatic Life Use	Selenium (Dissolved)	5. - 303(d)	Retain	L
		Recreational Use	E. coli	5. - 303(d)	Retain	L

COSPCP14	14. Horsetooth Reservoir.				
Listed portion:	¹ COSPCP14_A	Horsetooth Reservoir.			
	Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
	Aquatic Life Use	Fish (Mercury)	5. - 303(d)	Retain	H
	Water Supply Use	Arsenic (Total)	5. - 303(d)	Retain	H
COSPCP20	20. All lakes and reservoirs tributary to the North Fork of the Cache La Poudre River from the inlet of Halligan Reservoir to the confluence with the Cache La Poudre River. This segment includes Halligan Reservoir and Seaman Reservoir.				
Listed portion:	¹ COSPCP20_B	Seaman Reservoir			
	Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
	Aquatic Life Use	Dissolved Oxygen	5. - 303(d)	Retain	M
COSPLA02a	2a. Mainstem of the Laramie River from the source to the National Forest boundary, and all tributaries and wetlands, from the source to the Colorado/Wyoming border, except for specific listings in Segment 1.				
Listed portion:	¹ COSPLA02a_A	Mainstem of the Laramie River from the source to the National Forest boundary, and all tributaries and wetlands, from the source to the Colorado/Wyoming border, except for specific listings in Segment 1.			
	Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
	Water Supply Use	Arsenic (Total)	3b. - M&E list	Retain	NA
	Water Supply Use	Manganese (Dissolved)	3b. - M&E list	Retain	NA
	Water Supply Use	pH	3b. - M&E list	Retain	NA
COSPLA02b	2b. Mainstem of the Laramie River from the National Forest boundary to the Colorado/Wyoming border.				
Listed portion:	¹ COSPLA02b_A	Mainstem of the Laramie River from the National Forest boundary to the Colorado/Wyoming border.			
	Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
	Water Supply Use	Arsenic (Total)	3b. - M&E list	Retain	NA
	Aquatic Life Use	Copper (Dissolved)	5. - 303(d)	Retain	H
COSPLS01	1. Mainstem of the South Platte River from the Weld/Morgan County line to the Colorado/Nebraska border.				
Listed portion:	¹ COSPLS01_A	Mainstem of the South Platte River from the Weld/Morgan County line to the Colorado/Nebraska border.			
	Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
	Water Supply Use	Sulfate	3b. - M&E list	Retain	NA
	Water Supply Use	Manganese (Dissolved)	5. - 303(d)	Retain	L
	Aquatic Life Use	Selenium (Dissolved)	5. - 303(d)	Retain	M
	Water Supply Use	Uranium (Total)	5. - 303(d)	Retain	H

COSPLS02b 2b. All tributaries to the South Platte River, including all wetlands, north of the South Platte River and below 4,500 feet in elevation in Morgan County, north of the South Platte River in Washington County, north of the South Platte River and below 4,200 feet in elevation in Logan County, north of the South Platte River and below 3,700 feet in elevation in Sedgwick County, and the mainstems of Beaver Creek, Bijou Creek and Kiowa Creek from their sources to the confluence with the South Platte River, except for the portion of Beaver Creek from its source to the Fort Morgan Canal.

Listed portion: ¹ **COSPLS02b_B** Beaver Creek from the source to South Platte River, except for the portion of Beaver Creek from its source to the Fort Morgan Canal.

Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
Aquatic Life Use	Selenium (Dissolved)	5. - 303(d)	Retain	H
Recreational Use	E. coli	5. - 303(d)	Retain	H

Listed portion: ¹ **COSPLS02b_C** Kiowa Creek and tributaries from the source to South Platte River

Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
Aquatic Life Use	Macroinvertebrates (Provisional)	5. - 303(d)	Retain	L

COSPLS03 3. Jackson Reservoir, Prewitt Reservoir, North Sterling Reservoir, Jumbo (Julesburg), Riverside Reservoir, Empire Reservoir, and Vancil Reservoir.

Listed portion: ¹ **COSPLS03_B** North Sterling Reservoir.

Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
Aquatic Life Use	Dissolved Oxygen	5. - 303(d)	Retain	H
Aquatic Life Use	Selenium (Dissolved)	5. - 303(d)	Retain	H

Listed portion: ¹ **COSPLS03_C** Jumbo Reservoir (Julesburg Reservoir).

Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
Aquatic Life Use	Selenium (Dissolved)	3b. - M&E list	Retain	NA

Listed portion: ¹ **COSPLS03_D** Jackson Reservoir.

Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
Aquatic Life Use	pH	5. - 303(d)	Retain	H

COSPMS01a 1a. Mainstem of the South Platte River from a point immediately below the confluence with Big Dry Creek to the confluence with St. Vrain Creek.

Listed portion: ¹ **COSPMS01a_A** Mainstem of the South Platte River from a point immediately below the confluence with Big Dry Creek to the confluence with St. Vrain Creek.

Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
Water Supply Use	Manganese (Dissolved)	3b. - M&E list	Retain	NA
Aquatic Life Use	Nitrate	4b. - 4b plan	Retain	NA
Recreational Use	E. coli	5. - 303(d)	Retain	H

COSPMS01b	1b. Mainstem of the South Platte River from a point immediately below the confluence with St. Vrain Creek to the Weld/Morgan County Line.				
Listed portion:	¹ COSPMS01b_A	Mainstem of the South Platte River from a point immediately below the confluence with St. Vrain Creek to the Weld/Morgan County Line.			
	Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
	Recreational Use	E. coli	5. - 303(d)	Retain	H
	Water Supply Use	Arsenic (Total)	5. - 303(d)	Retain	L
	Water Supply Use	Manganese (Dissolved)	5. - 303(d)	Retain	L
COSPMS04	4. Barr Lake and Milton Reservoir.				
Listed portion:	¹ COSPMS04_A	Barr Lake			
	Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
	Aquatic Life Use	Dissolved Oxygen	4a. - TMDL	Retain	NA
	Aquatic Life Use	pH	4a. - TMDL	Retain	NA
Listed portion:	¹ COSPMS04_B	Milton Reservoir			
	Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
	Aquatic Life Use	Dissolved Oxygen	4a. - TMDL	Retain	NA
	Aquatic Life Use	pH	4a. - TMDL	Retain	NA
	Aquatic Life Use	Ammonia	5. - 303(d)	Retain	M
COSPMS07	7. All lakes and reservoirs tributary to the South Platte River from a point immediately below the confluence with Big Dry Creek to the Weld/Morgan County line, except for specific listings in the subbasins of the South Platte River, and in Segment 4.				
Listed portion:	¹ COSPMS07_B	Prospect Lake			
	Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
	Aquatic Life Use	Ammonia	5. - 303(d)	Retain	L
	Aquatic Life Use	pH	5. - 303(d)	Retain	L
Listed portion:	¹ COSPMS07_C	Horse Creek Reservoir			
	Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
	Aquatic Life Use	Ammonia	5. - 303(d)	Retain	M
	Aquatic Life Use	pH	5. - 303(d)	Retain	M
COSPME01	1. Mainstem of the South Fork of the Republican River from a point 23 miles above the Colorado-Kansas border (39.582154°, -102.350838°) to the Colorado-Kansas border.				
Listed portion:	¹ COSPME01_A	Mainstem of the South Fork of the Republican River from a point 10 miles above Bonny Reservoir to the Colorado-Kansas border.			
	Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
	Water Supply Use	Arsenic (Total)	5. - 303(d)	Retain	H
	Water Supply Use	Lead (Dissolved)	5. - 303(d)	Retain	H

COSP05	5. Mainstem of Black Wolf Creek from the source to the confluence with the Arikaree River.					
Listed portion:	¹	COSP05_A	Mainstem of the Black Wolf Creek from the source to the confluence with the Arikaree River.			
		Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
		Aquatic Life Use	Selenium (Dissolved)	3b. - M&E list	Retain	NA
		Recreational Use	E. coli	3b. - M&E list	Retain	NA
COSPSV02b	2b. Mainstem of St. Vrain Creek, including all tributaries and wetlands, from the eastern boundary of Roosevelt National Forest to Hygiene Road.					
Listed portion:	¹	COSPSV02b_A	Mainstem of St. Vrain Creek, including all tributaries and wetlands, from the eastern boundary of Roosevelt National Forest to Hygiene Road. Except part of South Saint Vrain Creek.			
		Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
		Aquatic Life Use	Silver (Dissolved)	3b. - M&E list	Retain	NA
		Aquatic Life Use	Temperature	5. - 303(d)	Retain	H
		Water Supply Use	Arsenic (Total)	5. - 303(d)	Retain	L
Listed portion:	¹	COSPSV02b_B	South Saint Vrain Creek from just below its confluence with Red Hill Gulch to its confluence with North Saint Vrain Creek.			
		Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
		Aquatic Life Use	Silver (Dissolved)	3b. - M&E list	Retain	NA
		Aquatic Life Use	Temperature	5. - 303(d)	Retain	H
		Water Supply Use	Arsenic (Total)	5. - 303(d)	Retain	L
		Aquatic Life Use	Copper (Dissolved)	5. - 303(d)	Retain	H
COSPSV03	3. Mainstem of St. Vrain Creek from Hygiene Road to the confluence with the South Platte River.					
Listed portion:	¹	COSPSV03_B	Mainstem of St. Vrain Creek from the confluence with Left Hand Creek to the confluence with Boulder Creek			
		Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
		Aquatic Life Use	Ammonia	4a. - TMDL	Retain	NA
		Recreational Use	E. coli	5. - 303(d)	Retain	H
Listed portion:	¹	COSPSV03_C	Mainstem of St. Vrain Creek from Hover Road to Left Hand Creek			
		Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
		Recreational Use	E. coli	5. - 303(d)	Retain	H
Listed portion:	¹	COSPSV03_D	Mainstem of St. Vrain Creek from Hygiene Road to Hover Road and Boulder Creek from I-25 to the confluence with the South Platte River.			
		Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
		Recreational Use	E. coli	5. - 303(d)	Retain	H
Listed portion:	¹	COSPSV03_E	Mainstem of Boulder Creek from St. Vrain Creek to I-25.			
		Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
		Aquatic Life Use	Ammonia	4a. - TMDL	Retain	NA
		Recreational Use	E. coli	5. - 303(d)	Retain	H

COSPSV04a		4a. Mainstem of Left Hand Creek, including all tributaries and wetlands, from the source to a point immediately below the confluence with James Creek, except for specific listings in Segment 4b.				
Listed portion:	¹	COSPSV04a_A	Mainstem of Left Hand Creek, including all tributaries and wetlands, from the source to Hwy 72, except for specific listings in Segment 4b.			
		Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
		Aquatic Life Use	Cadmium (Dissolved)	4a. - TMDL	Retain	NA
		Aquatic Life Use	pH	4a. - TMDL	Retain	NA
		Aquatic Life Use	Zinc (Dissolved)	4a. - TMDL	Retain	NA
Listed portion:	¹	COSPSV04a_B	Mainstem of Left Hand Creek, including all tributaries and wetlands from Hwy 72 to James Creek			
		Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
		Water Supply Use	Manganese (Dissolved)	3b. - M&E list	Retain	NA
		Aquatic Life Use	Cadmium (Dissolved)	4a. - TMDL	Retain	NA
		Aquatic Life Use	Copper (Dissolved)	4a. - TMDL	Retain	NA
		Aquatic Life Use	pH	4a. - TMDL	Retain	NA
		Aquatic Life Use	Zinc (Dissolved)	4a. - TMDL	Retain	NA
COSPSV04b		4b. Mainstem of James Creek, including all tributaries and wetlands, from the source to the confluence with Left Hand Creek.				
Listed portion:	¹	COSPSV04b_B	Little James Creek			
		Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
		Aquatic Life Use	Cadmium (Dissolved)	4a. - TMDL	Retain	NA
		Aquatic Life Use	Iron (Dissolved)	4a. - TMDL	Retain	NA
		Aquatic Life Use	Manganese (Dissolved)	4a. - TMDL	Retain	NA
		Aquatic Life Use	pH	4a. - TMDL	Retain	NA
		Aquatic Life Use	Zinc (Dissolved)	4a. - TMDL	Retain	NA
		Aquatic Life Use	Copper (Dissolved)	4a. - TMDL	Retain	NA
		Aquatic Life Use	Lead (Dissolved)	4a. - TMDL	Retain	NA
COSPSV04c		4c. Mainstem of Left Hand Creek, including all tributaries and wetlands, from a point immediately below the confluence with James Creek to Highway 36.				
Listed portion:	¹	COSPSV04c_A	Mainstem of Left Hand Creek, including all tributaries and wetlands, from a point immediately below the confluence with James Creek to Highway 36.			
		Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
		Aquatic Life Use	Copper (Dissolved)	4a. - TMDL	Retain	NA
COSPSV05		5. Mainstem of Left Hand Creek, including all tributaries and wetlands from Highway 36 to the confluence with St. Vrain Creek.				
Listed portion:	¹	COSPSV05_A	Mainstem of Left Hand Creek, including all tributaries and wetlands from a point above the Lefthand Feeder Canal to the confluence with St. Vrain Creek.			
		Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
		Aquatic Life Use	Copper (Dissolved)	5. - 303(d)	Retain	M

Listed portion:	¹	COSPSV05_B	Mainstem of Left Hand Creek, including all tributaries and wetlands from Highway 36 to a point above the Lefthand Feeder Canal			
		Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
		Aquatic Life Use	pH	5. - 303(d)	Retain	H
		Water Supply Use	Manganese (Dissolved)	5. - 303(d)	Retain	L
		Aquatic Life Use	Copper (Dissolved)	5. - 303(d)	Retain	M
COSPSV06		6. All tributaries to St. Vrain Creek, including wetlands from Hygiene Road to the confluence with the South Platte River, except for specific listings in the Boulder Creek subbasin and in Segments 4a, 4b, 4c and 5.				
Listed portion:	¹	COSPSV06_A	All tributaries to St. Vrain Creek, including wetlands from Hygiene Road to the confluence with the South Platte River, except for specific listings in the Boulder Creek subbasin and in Segments 4a, 4b, 4c and 5; excluding Dry Creek			
		Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
		Water Supply Use	Manganese (Dissolved)	5. - 303(d)	Retain	L
Listed portion:	¹	COSPSV06_B	Dry Creek and tributaries			
		Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
		Aquatic Life Use	E. coli	5. - 303(d)	Retain	H
		Water Supply Use	Manganese (Dissolved)	5. - 303(d)	Retain	L
		Aquatic Life Use	Selenium (Dissolved)	5. - 303(d)	Retain	M
COSPSV07		7. Boulder Reservoir, Coot Lake, Left Hand Valley Reservoir and Spurgeon Reservoir.				
Listed portion:	¹	COSPSV07_B	Boulder Reservoir			
		Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
		Water Supply Use	Arsenic (Total)	5. - 303(d)	Retain	L
COSPUS01a		1a. Mainstem of the South Platte River from the source of the South and Middle Forks to the inlet of Cheesman Reservoir.				
Listed portion:	¹	COSPUS01a_A	Mainstem of the South Platte River from the source of the South and Middle Forks to the Elevenmile Reservoir and from the Idlewilde picnic area to the inlet of Cheesman Reservoir; except for the Middle Fork South Platte River			
		Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
		Aquatic Life Use	Sediment	4a. - TMDL	Retain	NA
		Aquatic Life Use	Macroinvertebrates (Provisional)	5. - 303(d)	Retain	L
Listed portion:	¹	COSPUS01a_B	Middle Fork South Platte River			
		Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
		Aquatic Life Use	pH	3b. - M&E list	Retain	NA
Listed portion:	¹	COSPUS01a_C	South Platte River from the outlet of Elevenmile Reservoir to the Idlewilde picnic area			
		Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
		Aquatic Life Use	Sediment	4a. - TMDL	Retain	NA
		Aquatic Life Use	Macroinvertebrates	5. - 303(d)	Retain	NA

Listed portion:	¹	COSPUS01a_D	South Fork of the South Platte from Antero Reservoir to the confluence with the Middle Fork of the South Platte. Was Listed incorrectly in Reg. 93 as COSPUS02a.		
		Impaired Use	Analyte	Category / List ²	Proposed Action
		Aquatic Life Use	Macroinvertebrates	3b. - M&E list	Retain
Listed portion:	¹	COSPUS01a_E	South Platte River from Idlewilde picnic area to Cheesman Reservoir		
		Impaired Use	Analyte	Category / List ²	Proposed Action
		Aquatic Life Use	Sediment	4a. - TMDL	Retain
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COSPUS01b		1b. All tributaries to the South Platte River, including wetlands within the Lost Creek and Mt. Evans Wilderness Areas.			
Listed portion:	¹	COSPUS01b_B	Trail Creek		
		Impaired Use	Analyte	Category / List ²	Proposed Action
		Aquatic Life Use	Iron (Total)	3b. - M&E list	Retain
Listed portion:	¹	COSPUS01b_C	Hawkins Gulch		
		Impaired Use	Analyte	Category / List ²	Proposed Action
		Aquatic Life Use	Selenium (Dissolved)	3b. - M&E list	Retain
		Aquatic Life Use	Cadmium (Dissolved)	3b. - M&E list	Retain
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COSPUS02a		2a. All tributaries to the South Platte River system, including all wetlands from the headwaters of the South and Middle Forks to a point immediately below the confluence with Tarryall Creek except for specific listings in Segment 1b, 2b and 2c.			
Listed portion:	¹	COSPUS02a_B	Twin Creek, on USFS Land		
		Impaired Use	Analyte	Category / List ²	Proposed Action
		Aquatic Life Use	Temperature	3b. - M&E list	Retain
Listed portion:	¹	COSPUS02a_C	All tributaries to South Fork of S. Platte above Antero Reservoir		
		Impaired Use	Analyte	Category / List ²	Proposed Action
		Aquatic Life Use	Macroinvertebrates	3b. - M&E list	Retain
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COSPUS02b		2b. Mainstem of Mosquito Creek from the confluence with South Mosquito Creek to its confluence with the Middle Fork of the South Platte River.			
Listed portion:	¹	COSPUS02b_A	Mainstem of Mosquito Creek from the confluence with South Mosquito Creek to its confluence with the Middle Fork of the South Platte River.		
		Impaired Use	Analyte	Category / List ²	Proposed Action
		Aquatic Life Use	Lead (Dissolved)	4a. - TMDL	Retain
		Aquatic Life Use	Zinc (Dissolved)	4a. - TMDL	Retain
		Aquatic Life Use	Cadmium (Dissolved)	5. - 303(d)	Retain
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COSPUS02c		2c. South Mosquito Creek from the source to confluence with Mosquito Creek and No Name Creek from the source to the confluence with South Mosquito Creek.			
Listed portion:	¹	COSPUS02c_A	No Name Creek from the source to the confluence with South Mosquito Creek.		
		Impaired Use	Analyte	Category / List ²	Proposed Action
		Aquatic Life Use	Cadmium (Dissolved)	5. - 303(d)	Retain
		Aquatic Life Use	Zinc (Dissolved)	5. - 303(d)	Retain

Listed portion:	¹	COSPUS02c_C	South Mosquito Creek from the London Mine to confluence with Mosquito Creek				
		Impaired Use	Analyte	Category / List	²	Proposed Action	Priority
		Aquatic Life Use	Iron (Dissolved)	4a. - TMDL		Retain	NA
		Water Supply Use	Manganese (Dissolved)	4a. - TMDL		Retain	NA
		Aquatic Life Use	Zinc (Dissolved)	4a. - TMDL		Retain	NA
		Aquatic Life Use	Cadmium (Dissolved)	5. - 303(d)		Retain	H
		Water Supply Use	Arsenic (Total)	5. - 303(d)		Retain	L
Listed portion:	¹	COSPUS02c_D	South Mosquito Creek from the source to London Mine				
		Impaired Use	Analyte	Category / List	²	Proposed Action	Priority
		Aquatic Life Use	Cadmium (Dissolved)	5. - 303(d)		Retain	H
		Water Supply Use	Arsenic (Total)	5. - 303(d)		Retain	L
COSPUS03		3. All tributaries to the South Platte River, including all wetlands from a point immediately below the confluence with Tarryall Creek to a point immediately above the confluence with the North Fork of the South Platte River, except for specific listings in Segment 1b.					
Listed portion:	¹	COSPUS03_B	Trout Creek and tributaries on USFS property				
		Impaired Use	Analyte	Category / List	²	Proposed Action	Priority
		Aquatic Life Use	Macroinvertebrates	3b. - M&E list		Retain	NA
		Aquatic Life Use	Temperature	3b. - M&E list		Retain	NA
		Aquatic Life Use	Dissolved Oxygen	5. - 303(d)		Retain	H
		Aquatic Life Use	pH	5. - 303(d)		Retain	H
		Water Supply Use	Manganese (Dissolved)	5. - 303(d)		Retain	L
Listed portion:	¹	COSPUS03_C	Pine Creek				
		Impaired Use	Analyte	Category / List	²	Proposed Action	Priority
		Aquatic Life Use	Macroinvertebrates (Provisional)	5. - 303(d)		Retain	L
		Water Supply Use	Arsenic (Total)	5. - 303(d)		Retain	L
Listed portion:	¹	COSPUS03_D	Fourmile Creek				
		Impaired Use	Analyte	Category / List	²	Proposed Action	Priority
		Aquatic Life Use	Macroinvertebrates	5. - 303(d)		Retain	H
		Aquatic Life Use	Iron (Total)	5. - 303(d)		Retain	H
		Aquatic Life Use	Mercury (Dissolved)	5. - 303(d)		Retain	H
		Water Supply Use	Arsenic (Total)	5. - 303(d)		Retain	L
Listed portion:	¹	COSPUS03_E	Horse Creek and its tributaries				
		Impaired Use	Analyte	Category / List	²	Proposed Action	Priority
		Aquatic Life Use	Dissolved Oxygen	3b. - M&E list		Retain	NA
		Aquatic Life Use	Iron (Total)	3b. - M&E list		Retain	NA
		Aquatic Life Use	Macroinvertebrates	5. - 303(d)		Retain	L

Listed portion:	¹	COSPUS03_F	West Creek			
		Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
		Aquatic Life Use	Arsenic (Total)	3b. - M&E list	Retain	NA
		Aquatic Life Use	Mercury (Dissolved)	3b. - M&E list	Retain	NA
		Aquatic Life Use	Dissolved Oxygen	3b. - M&E list	Retain	NA
		Aquatic Life Use	Iron (Total)	3b. - M&E list	Retain	NA
		Aquatic Life Use	Macroinvertebrates	5. - 303(d)	Retain	L
Listed portion:	¹	COSPUS03_G	Wigwam Creek			
		Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
		Aquatic Life Use	Iron (Total)	3b. - M&E list	Retain	NA
Listed portion:	¹	COSPUS03_H	Goose Creek			
		Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
		Aquatic Life Use	Dissolved Oxygen	3b. - M&E list	Retain	NA
		Aquatic Life Use	Temperature	5. - 303(d)	Retain	H
COSPUS04		4. Mainstem of the North Fork of the South Platte River, including all tributaries and wetlands from the source to the confluence with the South Platte River, except for specific listings in Segments 1b, 5a, 5b, and 5c.				
Listed portion:	¹	COSPUS04_C	Mainstem of the North Fork of the South Platte River, including all tributaries and wetlands from the source to the confluence with Sawmill Gulch			
		Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
		Aquatic Life Use	Copper (Dissolved)	4a. - TMDL	Retain	NA
		Aquatic Life Use	pH	5. - 303(d)	Retain	H
Listed portion:	¹	COSPUS04_E	Mainstem and tributaries of North Fork of the South Platte River, from Sawmill gulch to Geneva Creek.			
		Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
		Aquatic Life Use	Copper (Dissolved)	4a. - TMDL	Retain	NA
		Aquatic Life Use	pH	5. - 303(d)	Retain	H
COSPUS05a		5a. Mainstem of Geneva Creek from the source to the confluence with Scott Gomer Creek.				
Listed portion:	¹	COSPUS05a_A	Mainstem of Geneva Creek from the source to the confluence with Scott Gomer Creek.			
		Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
		Aquatic Life Use	Cadmium (Dissolved)	4a. - TMDL	Retain	NA
		Aquatic Life Use	Copper (Dissolved)	4a. - TMDL	Retain	NA
		Aquatic Life Use	Manganese (Dissolved)	4a. - TMDL	Retain	NA
		Aquatic Life Use	Zinc (Dissolved)	4a. - TMDL	Retain	NA

COSPUS05b	5b. Mainstem of Geneva Creek from the confluence with Scott Gomer Creek to the confluence with the North Fork of the South Platte River; all tributaries of Geneva Creek including wetlands from source to confluence with the North Fork of the South Platte River.				
Listed portion:	¹ COSPUS05b_A	All tributaries of Geneva Creek including wetlands from source to confluence with the North Fork of the South Platte River. Excludes Geneva Creek.			
	Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
	Aquatic Life Use	Copper (Dissolved)	4a. - TMDL	Retain	NA
	Aquatic Life Use	Zinc (Dissolved)	4a. - TMDL	Retain	NA
Listed portion:	¹ COSPUS05b_B	Mainstem of Geneva Creek from the confluence with Scott Gomer Creek to the confluence with the North Fork of the South Platte River.			
	Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
	Aquatic Life Use	Zinc (Dissolved)	4a. - TMDL	Retain	NA
	Aquatic Life Use	pH	5. - 303(d)	Retain	H
	Water Supply Use	Manganese (Dissolved)	5. - 303(d)	Retain	L
COSPUS05c	5c. Mainstem of Gooseberry Gulch and all tributaries from source to Sunset Trail.				
Listed portion:	¹ COSPUS05c_B	Unnamed Tributary to Gooseberry Creek			
	Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
	Aquatic Life Use	Ammonia	5. - 303(d)	Retain	M
COSPUS06a	6a. Mainstem of the South Platte River from the outlet of Cheesman Reservoir to the inlet of Chatfield Reservoir.				
Listed portion:	¹ COSPUS06a_B	South Platte River from outlet of Cheesman Reservoir to Lazy Gulch			
	Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
	Aquatic Life Use	Macroinvertebrates (Provisional)	5. - 303(d)	Retain	L
COSPUS07	7. All tributaries to the South Platte River, including all wetlands from a point immediately below the confluence with the North Fork of the South Platte River to the outlet of Chatfield Reservoir except for specific listings in Segments 8, 9, 10, 11, 12, and 13.				
Listed portion:	¹ COSPUS07_B	Willow Creek and its tributaries			
	Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
	Aquatic Life Use	Iron (Total)	3b. - M&E list	Retain	NA
	Aquatic Life Use	Selenium (Dissolved)	3b. - M&E list	Retain	NA
COSPUS09	9. Mainstem of Bear Creek, including all tributaries and wetlands from the source to the inlet of Perry Park Reservoir, a.k.a. Waucondah Reservoir (Douglas County).				
Listed portion:	¹ COSPUS09_B	Mainstem of Bear Creek from the source to the inlet of Perry Park Reservoir (Douglas County).			
	Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
	Aquatic Life Use	Dissolved Oxygen	3b. - M&E list	Retain	NA

COSPUS10a	10a. Mainstems of East Plum Creek, West Plum Creek, and Plum Creek from the boundary of National Forest lands to Chatfield Reservoir, mainstems of Stark Creek and Gove Creek from the boundary of National Forest lands to their confluence.					
Listed portion:	¹	COSPUS10a_B	Mainstems of West Plum Creek from the boundary of National Forest lands to Chatfield Reservoir			
		Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
		Aquatic Life Use	Macroinvertebrates (Provisional)	5. - 303(d)	Retain	L
Listed portion:	¹	COSPUS10a_C	Mainstems of East Plum Creek from the boundary of National Forest lands to Chatfield Reservoir			
		Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
		Aquatic Life Use	Macroinvertebrates (Provisional)	5. - 303(d)	Retain	L
		Water Supply Use	Arsenic (Total)	5. - 303(d)	Retain	L
Listed portion:	¹	COSPUS10a_D	Mainstem of Plum Creek from the boundary of National Forest lands to Chatfield Reservoir,			
		Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
		Aquatic Life Use	Temperature	3b. - M&E list	Retain	NA
		Recreational Use	E. coli	5. - 303(d)	Retain	H
COSPUS11a	11a. All tributaries to the East Plum Creek system, including all wetlands which are not on national forest lands.					
Listed portion:	¹	COSPUS11a_A	All tributaries to the East Plum Creek system, including all wetlands which are not on national forest lands. Excludes Cook Creek.			
		Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
		Aquatic Life Use	Iron (Total)	3b. - M&E list	Retain	NA
		Aquatic Life Use	pH	3b. - M&E list	Retain	NA
Listed portion:	¹	COSPUS11a_B	Mainstem of Cook Creek.			
		Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
		Aquatic Life Use	Macroinvertebrates	5. - 303(d)	Retain	L
COSPUS11b	11b. All tributaries to the West Plum Creek system, including all wetlands, which are not on national forest lands, except for specific listings in Segments 9 and 12.					
Listed portion:	¹	COSPUS11b_B	Spring Creek and its tributaries			
		Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
		Aquatic Life Use	Macroinvertebrates (Provisional)	5. - 303(d)	Retain	L
COSPUS12	12. Mainstem of Garber Creek and Jackson Creek from the boundary of National Forest lands to the confluence with West Plum Creek; mainstem of Bear Creek from the outlet of Perry Park Reservoir, a.k.a. Waucondah Reservoir, to the confluence with West Plum Creek.					
Listed portion:	¹	COSPUS12_B	Jackson Creek from the boundary of National Forest lands to the confluence with West Plum Creek			
		Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
		Water Supply Use	Arsenic (Total)	3b. - M&E list	Retain	NA

COSPUS14	14. Mainstem of the South Platte River from the outlet of Chatfield Reservoir to the Burlington Ditch diversion in Denver, Colorado.				
Listed portion:	¹ COSPUS14_B	Mainstem of the South Platte River from Bowles Ave. to the Burlington Ditch diversion in Denver, Colorado.			
	Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
	Water Supply Use	Nitrate	4a. - TMDL	Retain	NA
	Recreational Use	E. coli	4a. - TMDL	Retain	NA
	Water Supply Use	Arsenic (Total)	5. - 303(d)	Retain	L
Listed portion:	¹ COSPUS14_C	Mainstem of the South Platte River from the outlet of Chatfield Reservoir to Bowles Ave.			
	Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
	Water Supply Use	Arsenic (Total)	5. - 303(d)	Retain	L
COSPUS15	15. Mainstem of the South Platte River from the Burlington Ditch diversion in Denver, Colorado, to a point immediately below the confluence with Big Dry Creek.				
Listed portion:	¹ COSPUS15_A	Mainstem of the South Platte River from the Burlington Ditch diversion in Denver, Colorado, to a point immediately below the confluence with Big Dry Creek.			
	Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
	Recreational Use	E. coli	4a. - TMDL	303(d) / Remove	NA
Listed portion:	¹ COSPUS15_B	Mainstem of the South Platte River from the Burlington Ditch diversion in Denver, Colorado to Sand Creek			
	Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
	Aquatic Life Use	Temperature	3b. - M&E list	Retain	NA
	Aquatic Life Use	Cadmium (Dissolved)	4a. - TMDL	Retain	NA
	Recreational Use	E. coli	4a. - TMDL	303(d) / Remove	NA
	Aquatic Life Use	Dissolved Oxygen	4a. - TMDL	Retain	NA
	Aquatic Life Use	Ammonia	4b. - 4b plan	Retain	NA
	Aquatic Life Use	Nitrate	4b. - 4b plan	Retain	NA
Listed portion:	¹ COSPUS15_C	Mainstem of the South Platte River from Sand Creek, to 180 meters below 120th Ave.			
	Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
	Aquatic Life Use	Temperature	3b. - M&E list	Retain	NA
	Aquatic Life Use	Dissolved Oxygen	4a. - TMDL	Retain	NA
	Recreational Use	E. coli	4a. - TMDL	303(d) / Remove	NA
	Aquatic Life Use	Cadmium (Dissolved)	4a. - TMDL	Retain	NA
	Aquatic Life Use	Ammonia	4b. - 4b plan	Retain	NA
	Aquatic Life Use	Nitrate	4b. - 4b plan	Retain	NA
Listed portion:	¹ COSPUS15_D	Mainstem of the South Platte River from 180 meters below 120th Ave, to a point immediately below the confluence with Big Dry Creek.			
	Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
	Aquatic Life Use	Temperature	3b. - M&E list	Retain	NA
	Aquatic Life Use	Dissolved Oxygen	4a. - TMDL	Retain	NA
	Recreational Use	E. coli	4a. - TMDL	303(d) / Remove	NA
	Aquatic Life Use	Ammonia	4b. - 4b plan	Retain	NA
	Aquatic Life Use	Nitrate	4b. - 4b plan	Retain	NA

COSPUS16a	16a. Mainstem of Sand Creek from the confluence of Murphy and Coal Creek in Arapahoe County to the confluence with the Toll Gate Creek.					
Listed portion:	¹	COSPUS16a_A	Mainstem of Sand Creek from the confluence of Murphy and Coal Creek in Arapahoe County to the confluence with the South Platte River.			
		Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
		Recreational Use	E. coli	5. - 303(d)	Retain	H
		Water Supply Use	Selenium (Dissolved)	5. - 303(d)	Retain	L
COSPUS16c	16c. All tributaries to the South Platte River, including all wetlands, from the outlet of Chatfield Reservoir, to a point immediately below the confluence with Big Dry Creek, except for specific listings in the subbasins of the South Platte River, and in Segments 16a, 16d, 16e, 16f, 16g, 16h, 16i, 16j, and 16k.					
Listed portion:	¹	COSPUS16c_A	All tributaries to the South Platte River, including all wetlands, from the outlet of Chatfield Reservoir, to a point immediately below the confluence with Big Dry Creek, except for specific listings in the subbasins of the South Platte River, and in Segments 16a, 16d, 16e, 16f, 16g, 16h, 16i, 16j, and 16k.			
		Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
		Recreational Use	E. coli	5. - 303(d)	Retain	H
		Water Supply Use	Selenium (Dissolved)	5. - 303(d)	Retain	L
COSPUS16g	16g. Marcy Gulch, including all wetlands from the source to the confluence with the South Platte.					
Listed portion:	¹	COSPUS16g_A	Marcy Gulch, including all wetlands from the source to the confluence with the South Platte.			
		Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
		Aquatic Life Use	Temperature	3b. - M&E list	Retain	NA
COSPUS16i	16i. Mainstem of Sand Creek from the confluence with Toll Gate Creek to the confluence with the South Platte River.					
Listed portion:	¹	COSPUS16i_A	Mainstem of Sand Creek from the confluence with Toll Gate Creek to the confluence with Westerly Creek			
		Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
		Recreational Use	E. coli	5. - 303(d)	Retain	H
Listed portion:	¹	COSPUS16i_B	Mainstem Sand Creek from the confluence with Westerly Creek to the confluence with the South Platte River.			
		Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
		Recreational Use	E. coli	5. - 303(d)	Retain	H
COSPUS17a	17a. Washington Park Lakes, City Park Lakes, Rocky Mountain Lake, Berkely Lake.					
Listed portion:	¹	COSPUS17a_B	Duck Lake			
		Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
		Aquatic Life Use	Ammonia	5. - 303(d)	Retain	H
		Aquatic Life Use	pH	5. - 303(d)	Retain	H
Listed portion:	¹	COSPUS17a_C	Ferril Lake			
		Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
		Aquatic Life Use	pH	5. - 303(d)	Retain	H

Listed portion:	¹	COSPUS17a_D	Berkeley Lake			
		Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
		Aquatic Life Use	Arsenic (Total)	5. - 303(d)	Retain	H
		Aquatic Life Use	Dissolved Oxygen	5. - 303(d)	Retain	H
		Aquatic Life Use	Fish (Mercury)	5. - 303(d)	Retain	H
Listed portion:	¹	COSPUS17a_E	Rocky Mountain Lake			
		Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
		Aquatic Life Use	Dissolved Oxygen	5. - 303(d)	Retain	L
		Aquatic Life Use	Fish (Mercury)	5. - 303(d)	Retain	H
		Aquatic Life Use	pH	5. - 303(d)	Retain	L
Listed portion:	¹	COSPUS17a_F	Smith Lake			
		Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
		Aquatic Life Use	Ammonia	5. - 303(d)	Retain	H
		Aquatic Life Use	pH	5. - 303(d)	Retain	H
Listed portion:	¹	COSPUS17a_G	Grasmere Lake			
		Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
		Aquatic Life Use	Ammonia	5. - 303(d)	Retain	H
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COSPUS19		19. Lakes and reservoirs in the South Platte River system from headwaters to Chatfield Reservoir, except for specific listings in Segment 18. Includes Antero, Spinney Mountain, Elevenmile, Cheesman, and Strontia Springs.				
Listed portion:	¹	COSPUS19_B	Cheesman Reservoir.			
		Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
		Aquatic Life Use	Fish (Mercury)	3b. - M&E list	Retain	NA
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COSPUS23		23. Lakes and reservoirs in watersheds tributary to the Upper South Platte River and within the City and County of Denver, except for specific listings in the other subbasins of the South Platte River and in Segments 17a and 17b..				
Listed portion:	¹	COSPUS23_B	Barnum Lake.			
		Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
		Aquatic Life Use	Dissolved Oxygen	5. - 303(d)	Retain	L
Listed portion:	¹	COSPUS23_C	Vanderbilt Lake.			
		Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
		Aquatic Life Use	Dissolved Oxygen	5. - 303(d)	Retain	M
Listed portion:	¹	COSPUS23_D	Garfield Lake.			
		Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
		Aquatic Life Use	Dissolved Oxygen	5. - 303(d)	Retain	M
Listed portion:	¹	COSPUS23_E	Harvey Lake.			
		Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
		Aquatic Life Use	Iron (Total)	3b. - M&E list	Retain	NA

Listed portion:	¹	COSPUS23_F	Aqua Golf.		
		Impaired Use	Analyte	Category / List ²	Proposed Action
		Aquatic Life Use	Ammonia	3b. - M&E list	Retain
		Aquatic Life Use	pH	5. - 303(d)	Retain
Listed portion:	¹	COSPUS23_G	Parkfield Lake.		
		Impaired Use	Analyte	Category / List ²	Proposed Action
		Aquatic Life Use	pH	5. - 303(d)	Retain
					M
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COUCBL01		1. Mainstem of the Blue River from the source to the confluence with French Gulch.			
Listed portion:	¹	COUCBL01_A	Mainstem of the Blue River from the source to the confluence with French Gulch.		
		Impaired Use	Analyte	Category / List ²	Proposed Action
		Aquatic Life Use	Macroinvertebrates (Provisional)	5. - 303(d)	Retain
					L
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COUCBL02a		2a. Mainstem of the Blue River from the confluence with French Gulch to a point one half mile below Summit County Road 3.			
Listed portion:	¹	COUCBL02a_A	Blue River from South Barton Gulch to one half mile below Summit County Road 3		
		Impaired Use	Analyte	Category / List ²	Proposed Action
		Water Supply Use	Manganese (Dissolved)	5. - 303(d)	Retain
					L
Listed portion:	¹	COUCBL02a_B	Blue River from the confluence with French Gulch to South Barton Gulch		
		Impaired Use	Analyte	Category / List ²	Proposed Action
		Water Supply Use	Manganese (Dissolved)	5. - 303(d)	Retain
		Aquatic Life Use	Zinc (Dissolved)	5. - 303(d)	Retain
					L
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COUCBL02b		2b. Mainstem of the Blue River from a point one half mile below Summit County Road 3 to the confluence with the Swan River.			
Listed portion:	¹	COUCBL02b_A	Mainstem of the Blue River from a point one half mile below Summit County Road 3 to the confluence with the Swan River.		
		Impaired Use	Analyte	Category / List ²	Proposed Action
		Aquatic Life Use	Macroinvertebrates (Provisional)	5. - 303(d)	Retain
					L
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COUCBL02c		2c. Mainstem of the Blue River from the confluence with the Swan River to Dillon Reservoir.			
Listed portion:	¹	COUCBL02c_A	Mainstem of the Blue River from the confluence with the Swan River to Dillon Reservoir.		
		Impaired Use	Analyte	Category / List ²	Proposed Action
		Aquatic Life Use	Macroinvertebrates (Provisional)	5. - 303(d)	Retain
		Recreational Use	Arsenic (Total)	5. - 303(d)	Retain
					L

COUCBL04a	4a. All direct tributaries to Dillon Reservoir and all tributaries and wetlands in the Blue River drainage above Dillon Reservoir, except for specific listings in Segments 1, 2a, 2b, 4b, 5, 6, and 10-14.				
Listed portion:	¹ COUCBL04a_B	Gold Run Gulch below Jessie Mine			
	Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
	Aquatic Life Use	Cadmium (Dissolved)	3b. - M&E list	Retain	NA
	Aquatic Life Use	Zinc (Dissolved)	5. - 303(d)	Retain	H
	Water Supply Use	Arsenic (Total)	5. - 303(d)	Retain	L
Listed portion:	¹ COUCBL04a_C	Meadow Creek and its tributaries not in the wilderness			
	Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
	Aquatic Life Use	Zinc (Dissolved)	3b. - M&E list	Retain	NA
	Aquatic Life Use	Copper (Dissolved)	5. - 303(d)	Retain	H
COUCBL05	5. Mainstem of Soda Creek from the source to Dillon Reservoir.				
Listed portion:	¹ COUCBL05_A	Mainstem of Soda Creek from the source to Dillon Reservoir.			
	Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
	Aquatic Life Use	Macroinvertebrates (Provisional)	5. - 303(d)	Retain	L
COUCBL06a	6a. Mainstem of the Snake River, including all tributaries and wetlands from the source to Dillon Reservoir, except for specific listings in Segments 6b, 7, 8 and 9.				
Listed portion:	¹ COUCBL06a_B	Mainstem of the Snake River from the source to Dillon Reservoir, including Saint John Creek.			
	Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
	Aquatic Life Use	Cadmium (Dissolved)	4a. - TMDL	Retain	NA
	Aquatic Life Use	Copper (Dissolved)	4a. - TMDL	Retain	NA
	Aquatic Life Use	Lead (Dissolved)	4a. - TMDL	Retain	NA
	Aquatic Life Use	pH	4a. - TMDL	Retain	NA
	Water Supply Use	Manganese (Dissolved)	5. - 303(d)	Retain	M
	Aquatic Life Use	Zinc (Dissolved)	5. - 303(d)	Retain	H
Listed portion:	¹ COUCBL06a_C	All tributaries and wetlands of the Snake River from the source to Dillon Reservoir, except for specific listings in Segments 6b, 7, 8, 9, and Saint John Creek.			
	Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
	Aquatic Life Use	Zinc (Dissolved)	5. - 303(d)	Retain	M
	Water Supply Use	Manganese (Dissolved)	5. - 303(d)	Retain	M

COUCBL07	7. Mainstem of Peru Creek, including all tributaries and wetlands from the source to the confluence with the Snake River, except for specific listing in Segment 8.				
Listed portion:	¹ COUCBL07_A	Mainstem of Peru Creek, including all tributaries and wetlands from the source to the confluence with the Snake River, except for specific listing in Segment 8.			
	Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
	Aquatic Life Use	Cadmium (Dissolved)	4a. - TMDL	Retain	NA
	Aquatic Life Use	Copper (Dissolved)	4a. - TMDL	Retain	NA
	Aquatic Life Use	Manganese (Dissolved)	4a. - TMDL	Retain	NA
	Aquatic Life Use	Lead (Dissolved)	4a. - TMDL	Retain	NA
	Aquatic Life Use	pH	4a. - TMDL	Retain	NA
	Aquatic Life Use	Zinc (Dissolved)	4a. - TMDL	Retain	NA
COUCBL12	12. Mainstem of Illinois Gulch and Fredonia Gulch from their source to their confluence with the Blue River.				
Listed portion:	¹ COUCBL12_B	Mainstem of Illinois Gulch from its source to their confluence with the Blue River.			
	Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
	Aquatic Life Use	Copper (Dissolved)	3b. - M&E list	Retain	NA
	Water Supply Use	Arsenic (Total)	3b. - M&E list	Retain	NA
	Water Supply Use	Manganese (Dissolved)	3b. - M&E list	Retain	NA
	Aquatic Life Use	Cadmium (Dissolved)	4a. - TMDL	Retain	NA
	Aquatic Life Use	Zinc (Dissolved)	5. - 303(d)	Retain	M
Listed portion:	¹ COUCBL12_C	Mainstem of Fredonia Gulch from its source to their confluence with the Blue River.			
	Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
	Aquatic Life Use	Copper (Dissolved)	3b. - M&E list	Retain	NA
	Water Supply Use	Arsenic (Total)	3b. - M&E list	Retain	NA
	Water Supply Use	Manganese (Dissolved)	3b. - M&E list	Retain	NA
	Aquatic Life Use	Zinc (Dissolved)	5. - 303(d)	Retain	M
COUCBL17	17. Mainstem of the Blue River from the outlet of Dillon Reservoir to the confluence with the Colorado River.				
Listed portion:	¹ COUCBL17_A	Blue River from outlet of Dillon Reservoir to Green Mountain Reservoir			
	Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
	Aquatic Life Use	Macroinvertebrates	3b. - M&E list	Retain	NA
Listed portion:	¹ COUCBL17_B	Blue River from Green Mountain Reservoir to confluence with Colorado River			
	Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
	Aquatic Life Use	Macroinvertebrates	3b. - M&E list	Retain	NA
	Aquatic Life Use	Temperature	5. - 303(d)	Retain	H
COUCBL18	18. All tributaries to the Blue River, including all wetlands, from the outlet of Dillon Reservoir to the outlet of Green Mountain Reservoir, except for the specific listing in Segment 16.				
Listed portion:	¹ COUCBL18_B	Straight Creek			
	Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
	Aquatic Life Use	Sediment	4a. - TMDL	Retain	NA

COUCBL20	20. Mainstems of Elliot Creek and Spruce Creek including all tributaries and wetlands, from their sources to the confluence with the Blue River.				
Listed portion:	¹ COUCBL20_B	Spruce Creek and tributaries			
	Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
	Water Supply Use	Iron (Dissolved)	3b. - M&E list	Retain	NA
	Water Supply Use	Arsenic (Total)	5. - 303(d)	Retain	H
COUCEA02	2. Mainstem of the Eagle River from the source to the compressor house bridge at Belden.				
Listed portion:	¹ COUCEA02_A	Mainstem of the Eagle River from the source to the compressor house bridge at Belden.			
	Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
	Water Supply Use	Arsenic (Total)	5. - 303(d)	Retain	H
COUCEA05a	5a Mainstem of the Eagle River from the compressor house bridge at Belden to a point immediately above the Highway 24 Bridge near Tigiwon Road.				
Listed portion:	¹ COUCEA05a_A	Mainstem of the Eagle River from the compressor house bridge at Belden to a point immediately above the Highway 24 Bridge near Tigiwon Road.			
	Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
	Aquatic Life Use	Copper (Dissolved)	4a. - TMDL	Retain	NA
	Aquatic Life Use	Zinc (Dissolved)	4a. - TMDL	Retain	NA
COUCEA05b	5b. Mainstem of the Eagle River from a point immediately above the Highway 24 Bridge near Tigiwon Road to a point immediately above the confluence with Martin Creek.				
Listed portion:	¹ COUCEA05b_A	Mainstem of the Eagle River from a point immediately above the Highway 24 Bridge near Tigiwon Road to a point immediately above the confluence with Martin Creek.			
	Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
	Aquatic Life Use	Copper (Dissolved)	4a. - TMDL	Retain	NA
	Aquatic Life Use	Zinc (Dissolved)	4a. - TMDL	Retain	NA
COUCEA05c	5c. Mainstem of the Eagle River from a point immediately above Martin Creek to a point immediately above the confluence with Gore Creek.				
Listed portion:	¹ COUCEA05c_A	Mainstem of the Eagle River from a point immediately above Martin Creek to a point immediately above the confluence with Gore Creek.			
	Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
	Aquatic Life Use	Copper (Dissolved)	4a. - TMDL	Retain	NA
	Aquatic Life Use	Zinc (Dissolved)	4a. - TMDL	Retain	NA
	Aquatic Life Use	Cadmium (Dissolved)	5. - 303(d)	Retain	H
	Water Supply Use	Arsenic (Total)	5. - 303(d)	Retain	H
	Water Supply Use	Iron (Dissolved)	5. - 303(d)	Retain	H

COUCEA06		6. All tributaries to the Eagle River, including all wetlands, from the compressor house bridge at Belden to a point immediately below the confluence with Lake Creek, except for the specific listings in Segments 1, 7a, 7b, and 8.				
Listed portion:	¹	COUCEA06_A	All tributaries to the Eagle River, including all wetlands, from the compressor house bridge at Belden to a point immediately below the confluence with Lake Creek, except for the specific listings in Segments 1, 7a, 7b, and 8. With other exceptions to Black Gore Creek			
		Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
		Water Supply Use	Arsenic (Total)	5. - 303(d)	Retain	L
Listed portion:	¹	COUCEA06_C	Lake Creek from below the confluence with East and West Lake Creek to the mouth			
		Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
		Water Supply Use	Arsenic (Total)	5. - 303(d)	Retain	L
		Aquatic Life Use	Macroinvertebrates (Provisional)	5. - 303(d)	Retain	L
Listed portion:	¹	COUCEA06_D	Beaver Creek from confluence with Wayne Creek to Mouth			
		Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
		Water Supply Use	Arsenic (Total)	5. - 303(d)	Retain	L
		Aquatic Life Use	Macroinvertebrates (Provisional)	5. - 303(d)	Retain	L
Listed portion:	¹	COUCEA06_E	Red Sandstone Creek from USFS Boundary to north side I-70 Frontage Road			
		Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
		Aquatic Life Use	Macroinvertebrates	3b. - M&E list	Retain	NA
		Water Supply Use	Arsenic (Total)	5. - 303(d)	Retain	L
Listed portion:	¹	COUCEA06_F	Red Sandstone Creek from north side I-70 Frontage Road to confluence with Gore Creek			
		Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
		Water Supply Use	Arsenic (Total)	5. - 303(d)	Retain	L
		Aquatic Life Use	Macroinvertebrates (Provisional)	5. - 303(d)	Retain	L
Listed portion:	¹	COUCEA06_G	Black Gore Creek, below Miller Creek			
		Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
		Aquatic Life Use	Macroinvertebrates	3b. - M&E list	Retain	NA
		Water Supply Use	Arsenic (Total)	5. - 303(d)	Retain	L
		Aquatic Life Use	Sediment	5. - 303(d)	Retain	H
Listed portion:	¹	COUCEA06_H	Black Gore Creek adjacent to I-70 above Miller Creek.			
		Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
		Aquatic Life Use	Macroinvertebrates (Provisional)	3b. - M&E list	Retain	NA
		Aquatic Life Use	Sediment	5. - 303(d)	Extent of listing redefined	H
		Water Supply Use	Arsenic (Total)	5. - 303(d)	Retain	H
COUCEA07b		7b. Mainstem of Cross Creek from a point immediately below the Minturn Middle School to the confluence with the Eagle River, except for those waters included in Segment 1.				
Listed portion:	¹	COUCEA07b_A	Mainstem of Cross Creek from a point immediately below the Minturn Middle School to the confluence with the Eagle River, except for those waters included in Segment 1.			
		Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
		Aquatic Life Use	Copper (Dissolved)	4a. - TMDL	Retain	NA
		Aquatic Life Use	Zinc (Dissolved)	4a. - TMDL	Retain	NA

COUCEA08	8. Mainstem of Gore Creek from the confluence with Black Gore Creek to the confluence with the Eagle River.					
Listed portion:	¹	COUCEA08_A	Mainstem of Gore Creek from the confluence with Black Gore Creek to the confluence with the Eagle River.			
		Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
		Aquatic Life Use	Macroinvertebrates (Provisional)	5. - 303(d)	Retain	L
COUCEA09a	9a. Mainstem of the Eagle River from Gore Creek to a point immediately below the confluence with Squaw Creek.					
Listed portion:	¹	COUCEA09a_A	Eagle River from Gore Creek to confluence with Berry Creek			
		Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
		Aquatic Life Use	Sediment	3b. - M&E list	Retain	NA
		Water Supply Use	Arsenic (Total)	5. - 303(d)	Retain	L
Listed portion:	¹	COUCEA09a_B	Eagle River from confluence with Berry Creek to confluence with Squaw Creek			
		Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
		Water Supply Use	Arsenic (Total)	5. - 303(d)	Retain	L
		Aquatic Life Use	Macroinvertebrates (Provisional)	5. - 303(d)	Retain	L
		Aquatic Life Use	Sediment	5. - 303(d)	Retain	H
COUCEA09b	9b. Mainstem of the Eagle River from a point immediately below the confluence with Squaw Creek to a point immediately below the confluence with Rube Creek.					
Listed portion:	¹	COUCEA09b_B	Eagle River from Squaw Creek to Ute Creek			
		Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
		Aquatic Life Use	Sediment	1. - All attaining	M&E / Remove	NA
		Water Supply Use	Arsenic (Total)	3b. - M&E list	Retain	NA
Listed portion:	¹	COUCEA09b_C	Eagle River from Ute Creek to Rube Creek			
		Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
		Aquatic Life Use	Sediment	1. - All attaining	M&E / Remove	NA
		Water Supply Use	Arsenic (Total)	3b. - M&E list	Retain	NA
COUCEA09c	9c. Mainstem of the Eagle River from a point immediately below the confluence with Rube Creek to the confluence with the Colorado River.					
Listed portion:	¹	COUCEA09c_A	Mainstem of the Eagle River from a point immediately below the confluence with Rube Creek to the confluence with the Colorado River.			
		Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
		Water Supply Use	Arsenic (Total)	5. - 303(d)	Retain	L
COUCEA10a	10a. All tributaries to the Eagle River, including all wetlands, from a point immediately below the confluence with Lake Creek to the confluence with the Colorado River, except for specific listings in Segments 10b, 11 and 12, and those waters included in Segment 1.					
Listed portion:	¹	COUCEA10a_B	Eby Creek and tributaries			
		Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
		Aquatic Life Use	Selenium (Dissolved)	3b. - M&E list	Retain	NA

COUCNP01	1. All tributaries to the North Platte and Encampment Rivers, including all wetlands, within the Mount Zirkel, Never Summer, and Platte River Wilderness Areas.				
Listed portion:	¹ COUCNP01_B	South Fork Big Creek and tributaries from source to the wilderness boundary			
	Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
	Water Supply Use	Arsenic (Total)	5. - 303(d)	Retain	H
COUCNP03	3. Mainstem of the North Platte River from the confluence of Grizzly Creek and Little Grizzly Creek to the Colorado/Wyoming border.				
Listed portion:	¹ COUCNP03_A	Mainstem of the North Platte River from the confluence of Grizzly Creek and Little Grizzly Creek to the Colorado/Wyoming border.			
	Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
	Water Supply Use	Iron (Dissolved)	3b. - M&E list	Retain	NA
COUCNP04a	4a. All tributaries to the North Platte River system, including all wetlands, except for those tributaries included in Segment 1, and specific listings in Segments 4b, 6, 7a and 7b.				
Listed portion:	¹ COUCNP04a_B	Canadian River and tributaries			
	Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
	Recreational Use	E. coli	3b. - M&E list	Retain	NA
	Water Supply Use	Iron (Dissolved)	3b. - M&E list	Retain	NA
	Water Supply Use	Manganese (Dissolved)	3b. - M&E list	Retain	NA
Listed portion:	¹ COUCNP04a_C	Grizzly Creek			
	Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
	Water Supply Use	Arsenic (Total)	3b. - M&E list	Retain	NA
Listed portion:	¹ COUCNP04a_D	Little Grizzly Creek and tributaries			
	Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
	Water Supply Use	Arsenic (Total)	3b. - M&E list	Retain	NA
	Aquatic Life Use	Macroinvertebrates (Provisional)	5. - 303(d)	Retain	L
Listed portion:	¹ COUCNP04a_E	Lake Creek and tributaries			
	Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
	Water Supply Use	Iron (Total)	3b. - M&E list	Retain	NA
	Water Supply Use	Manganese (Dissolved)	3b. - M&E list	Retain	NA
Listed portion:	¹ COUCNP04a_F	Illinois River and tributaries			
	Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
	Aquatic Life Use	Copper (Dissolved)	3b. - M&E list	Retain	NA
	Water Supply Use	Iron (Dissolved)	3b. - M&E list	Retain	NA
	Water Supply Use	Arsenic (Total)	5. - 303(d)	Retain	L
Listed portion:	¹ COUCNP04a_G	South Fork Big Creek and tributaries			
	Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
	Water Supply Use	Arsenic (Total)	5. - 303(d)	Retain	L

Listed portion:	¹	COUCNP04a_H	Snyder Creek and tributaries			
		Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
		Aquatic Life Use	Iron (Total)	5. - 303(d)	Retain	L
		Water Supply Use	Arsenic (Total)	5. - 303(d)	Retain	H
		Water Supply Use	Iron (Dissolved)	5. - 303(d)	Retain	H
		Water Supply Use	Manganese (Dissolved)	5. - 303(d)	Retain	L
Listed portion:	¹	COUCNP04a_I	North Sand Creek and its tributaries			
		Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
		Aquatic Life Use	Sediment	5. - 303(d)	Retain	H
COUCNP04b		4b. Mainstem of the Illinois River, including all tributaries and wetlands, from a point immediately below the confluence with Indian Creek to the confluence with the Michigan River except for specific listings in Segments 7a and 7b. Mainstem of the Canadian River below 12E Road to the confluence with the North Platte River. All tributaries which enter the mainstem of the Canadian River from the southwest side of the mainstem.				
Listed portion:	¹	COUCNP04b_B	Illinois River and its tributaries			
		Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
		Water Supply Use	Manganese (Dissolved)	3b. - M&E list	Retain	NA
		Water Supply Use	Arsenic (Total)	5. - 303(d)	Retain	L
COUCNP05b		5b. Mainstem of the Michigan River from a point immediately below the confluence with the North Fork Michigan River to the confluence with the North Platte River.				
Listed portion:	¹	COUCNP05b_A	Mainstem of the Michigan River from a point immediately below the confluence with the North Fork Michigan River to the confluence with the North Platte River.			
		Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
		Aquatic Life Use	Copper (Dissolved)	3b. - M&E list	Retain	NA
		Water Supply Use	Iron (Dissolved)	3b. - M&E list	Retain	NA
		Water Supply Use	Manganese (Dissolved)	3b. - M&E list	Retain	NA
		Water Supply Use	Arsenic (Total)	5. - 303(d)	Retain	L
COUCNP06		6. Mainstem of Pinkham Creek from the Routt National Forest boundary to the confluence with the North Platte River.				
Listed portion:	¹	COUCNP06_A	Mainstem of Pinkham Creek from the Routt National Forest boundary to the confluence with the North Platte River.			
		Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
		Aquatic Life Use	Copper (Dissolved)	3b. - M&E list	Retain	NA
COUCNP07b		7b. Mainstem of Spring Creek from the outlet of Spring Creek (Number 31) Reservoir to the confluence with the Illinois River.				
Listed portion:	¹	COUCNP07b_A	Mainstem of Spring Creek from the outlet of Spring Creek (Number 31) Reservoir to the confluence with the Illinois River.			
		Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
		Aquatic Life Use	Dissolved Oxygen	5. - 303(d)	Retain	M

COUCNP09	9. All lakes and reservoirs tributary to the North Platte and Encampment Rivers except for specific listings in Segment 8.					
Listed portion:	¹	COUCNP09_B	Big Creek Reservoir			
		Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
		Aquatic Life Use	Fish (Mercury)	5. - 303(d)	Retain	H
Listed portion:	¹	COUCNP09_C	North Delaney Lake			
		Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
		Water Supply Use	Arsenic (Total)	5. - 303(d)	Retain	L
Listed portion:	¹	COUCNP09_D	Lake John			
		Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
		Aquatic Life Use	pH	5. - 303(d)	Retain	H
		Water Supply Use	Arsenic (Total)	5. - 303(d)	Retain	H
COUCRF02	2. Mainstem of the Roaring Fork River, including all tributaries and wetlands, from the source to a point immediately below the confluence with Hunter Creek, except for those tributaries included in Segment 1.					
Listed portion:	¹	COUCRF02_A	Mainstem of the Roaring Fork River, including all tributaries and wetlands, from the source to a point immediately below the confluence with Hunter Creek, except for those tributaries included in Segment 1.			
		Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
		Aquatic Life Use	Copper (Dissolved)	3b. - M&E list	Retain	NA
COUCRF03a	3a. Mainstem of the Roaring Fork River, from a point immediately below the confluence with Hunter Creek, to a point immediately below the confluence with the Fryingpan River. All tributaries to the Roaring Fork River, including wetlands, from a point immediately below the confluence with Hunter Creek to the confluence with the Colorado River, except for those tributaries included in Segment 1 and specific listings in Segments 3b-10.					
Listed portion:	¹	COUCRF03a_B	Roaring Fork from confluence with Hunter Creek to the confluence of Trentaz Gulch			
		Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
		Aquatic Life Use	Macroinvertebrates (Provisional)	5. - 303(d)	Retain	L
Listed portion:	¹	COUCRF03a_C	West Sopris Creek and tributaries			
		Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
		Aquatic Life Use	Macroinvertebrates	5. - 303(d)	Retain	L
Listed portion:	¹	COUCRF03a_E	Cattle Creek from Fisher Creek to Mouth			
		Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
		Aquatic Life Use	Macroinvertebrates (Provisional)	5. - 303(d)	303(d) / New	H
COUCRF03b	3b. Mainstem of Red Canyon and all tributaries and wetlands from the source to the confluence with the Roaring Fork River, except for Landis Creek from its source to the Hopkins Ditch Diversion.					
Listed portion:	¹	COUCRF03b_B	Landis Creek from source to Hopkins Ditch Diversion			
		Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
		Aquatic Life Use	Iron (Total)	3b. - M&E list	Retain	NA

COUCRF03c	3c. Mainstem of the Roaring Fork River, from a point immediately below the confluence with the Fryingpan River, to the confluence with the Colorado River. Mainstem of Three Mile Creek, including all tributaries and wetlands, from the source to the confluence with the Roaring Fork River.				
Listed portion:	¹ COUCRF03c_A	Roaring Fork River, from the Fryingpan River to the Colorado River. Three Mile Creek, including all tributaries from the source to the Roaring Fork River			
	Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
	Aquatic Life Use	Temperature	5. - 303(d)	Retain	H
COUCRF03d	3d. Mainstem of Cattle Creek, including all tributaries and wetlands, from the source to the most downstream White River National Forest boundary.				
Listed portion:	¹ COUCRF03d_B	Cattle Creek from Bowers Gulch to most downstream White River NF boundary			
	Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
	Aquatic Life Use	Macroinvertebrates (Provisional)	5. - 303(d)	Retain	L
COUCRF07	7. All tributaries to the Fryingpan River, including all wetlands, except for those tributaries included in Segment 1.				
Listed portion:	¹ COUCRF07_B	South Fork Frying Pan River from transbasin diversion to confluence with unnamed tributary (39.25128oN, -106.59442oW)			
	Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
	Aquatic Life Use	Macroinvertebrates (Provisional)	5. - 303(d)	Retain	NA
COUCUC02	2. Mainstem of the Colorado River, including all tributaries and wetlands within, or flowing into Arapahoe National Recreation Area.				
Listed portion:	¹ COUCUC02_B	Willow Creek, Stillwater Creek and Arapaho Creek			
	Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
	Aquatic Life Use	Temperature	5. - 303(d)	Retain	H
Listed portion:	¹ COUCUC02_C	Colorado River from Shadow Mountain Reservoir to Granby Reservoir			
	Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
	Aquatic Life Use	Temperature	5. - 303(d)	Retain	H
Listed portion:	¹ COUCUC02_D	Mainstem of Colorado River from the North Inlet to Grand Lake			
	Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
	Aquatic Life Use	Copper (Dissolved)	5. - 303(d)	Retain	H
COUCUC03	3. Mainstem of the Colorado River from the outlet of Lake Granby to the confluence with Roaring Fork River.				
Listed portion:	¹ COUCUC03_A	Colorado River from outlet of Lake Granby to Windy Gap Reservoir			
	Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
	Water Supply Use	Arsenic (Total)	3b. - M&E list	Retain	NA
Listed portion:	¹ COUCUC03_B	Colorado River from Windy Gap Reservoir to 578 Road Bridge			
	Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
	Water Supply Use	Arsenic (Total)	3b. - M&E list	Retain	NA
	Aquatic Life Use	Macroinvertebrates	3b. - M&E list	Retain	NA

Listed portion: ¹	COUCUC03_C Colorado River from 578 Road Bridge to Gore Canyon				
	Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
	Water Supply Use	Arsenic (Total)	3b. - M&E list	Retain	NA
	Aquatic Life Use	Macroinvertebrates	3b. - M&E list	Retain	NA
	Aquatic Life Use	Temperature	5. - 303(d)	Retain	H
Listed portion: ¹	COUCUC03_D Colorado River from Gore Canyon to Derby Creek				
	Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
	Aquatic Life Use	Macroinvertebrates	3b. - M&E list	Retain	NA
	Aquatic Life Use	Temperature	5. - 303(d)	Retain	H
Listed portion: ¹	COUCUC03_E Colorado River from Derby Creek to the confluence with the Roaring Fork River				
	Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
	Aquatic Life Use	Temperature	5. - 303(d)	Retain	H
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COUCUC06b	6b. Mainstem of un-named tributary from the headwaters (Sec 32, T3N, R76W) to Willow Creek Reservoir Road (Section 8, T2N, R76W).				
Listed portion: ¹	COUCUC06b_A Mainstem of un-named tributary from the headwaters (Sec 32, T3N, R76W) to Willow Creek Reservoir Road (Section 8, T2N, R76W).				
	Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
	Aquatic Life Use	Dissolved Oxygen	3b. - M&E list	Retain	NA
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COUCUC06c	6c. Mainstem of un-named tributary to Willow Creek from the Willow Creek Reservoir Rd (Sec. 8, T2N, R76W) to the confluence with Willow Creek (Sec. 17, T2N, R76W).				
Listed portion: ¹	COUCUC06c_A Mainstem of un-named tributary to Willow Creek from the Willow Creek Reservoir Rd (Sec. 8, T2N, R76W) to the confluence with Willow Creek (Sec. 17, T2N, R76W).				
	Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
	Aquatic Life Use	Ammonia	4a. - TMDL	Retain	NA
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COUCUC07a	7a. All tributaries to the Colorado River, including all wetlands, from a point immediately above the confluence with the Blue River and Muddy Creek to a point immediately below the confluence with the Roaring Fork River, which are not on National Forest lands, except for specific listings in Segment 7b, 7c and in the Blue River, Eagle River, and Roaring Fork River basins.				
Listed portion: ¹	COUCUC07a_B Alkali Slough and its tributaries				
	Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
	Water Supply Use	Manganese (Dissolved)	3b. - M&E list	Retain	NA
	Aquatic Life Use	Iron (Total)	5. - 303(d)	Retain	L
	Aquatic Life Use	Selenium (Dissolved)	5. - 303(d)	Retain	L
	Water Supply Use	Sulfate	5. - 303(d)	Retain	L
Listed portion: ¹	COUCUC07a_C Mainstem of Muddy Creek				
	Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
	Aquatic Life Use	Temperature	5. - 303(d)	Retain	H
	Water Supply Use	Arsenic (Total)	5. - 303(d)	Retain	L

COUCUC07b 7b. Mainstem of Muddy Creek, including all tributaries and wetlands, from the outlet of Wolford Mountain Reservoir to the confluence with the Colorado River; mainstems of Rock Creek, Deep Creek, Sheephorn Creek, Sweetwater Creek and the Piney River, including all tributaries and wetlands, from their sources to their confluences with the Colorado River, which are not on National Forest lands.

Listed portion:	¹	COUCUC07b_B	Mainstem of Muddy Creek from Wolford Mountain Reservoir to Cow Gulch		
		Impaired Use	Analyte	Category / List ²	Proposed Action
		Aquatic Life Use	Temperature	5. - 303(d)	Retain
					Priority
					H

Listed portion:	¹	COUCUC07b_C	Mainstem of Muddy Creek from Cow Gulch to the Colorado River		
		Impaired Use	Analyte	Category / List ²	Proposed Action
		Aquatic Life Use	Temperature	5. - 303(d)	Retain
		Water Supply Use	Arsenic (Total)	5. - 303(d)	Retain
		Water Supply Use	Manganese (Dissolved)	5. - 303(d)	Retain
					Priority
					H
					L
					L

COUCUC08 8. Mainstem of the Williams Fork River, including all tributaries and wetlands from the source to the confluence with the Colorado River, except for those tributaries listed in Segment 9.

Listed portion:	¹	COUCUC08_B	Mainstem of Williams Fork River below Kinney Creek		
		Impaired Use	Analyte	Category / List ²	Proposed Action
		Aquatic Life Use	Copper (Dissolved)	3b. - M&E list	Retain
					Priority
					NA

COUCUC10a 10a. Mainstem of the Fraser River from the source to a point immediately below the Rendezvous Bridge. All tributaries to the Fraser River, including wetlands, from the source to the confluence with the Colorado River, except for those tributaries included in Segment 9.

Listed portion:	¹	COUCUC10a_B	Ranch Creek and its tributaries		
		Impaired Use	Analyte	Category / List ²	Proposed Action
		Aquatic Life Use	Temperature	5. - 303(d)	Retain
					Priority
					L

Listed portion:	¹	COUCUC10a_C	Fraser River tributaries at and above Jim Creek		
		Impaired Use	Analyte	Category / List ²	Proposed Action
		Aquatic Life Use	Macroinvertebrates (Provisional)	5. - 303(d)	Retain
					Priority
					L

Listed portion:	¹	COUCUC10a_D	Vasquez Creek and its tributaries		
		Impaired Use	Analyte	Category / List ²	Proposed Action
		Aquatic Life Use	Macroinvertebrates (Provisional)	5. - 303(d)	Retain
		Aquatic Life Use	Copper (Dissolved)	5. - 303(d)	Retain
					Priority
					L
					H

COUCUC10c 10c. Mainstem of the Fraser River from a point immediately below the Hammond Ditch to the confluence with the Colorado River.

Listed portion:	¹	COUCUC10c_A	Fraser River from below the Hammond Ditch in Town of Fraser to Fraser Canyon near Tabernash		
		Impaired Use	Analyte	Category / List ²	Proposed Action
		Water Supply Use	Iron (Dissolved)	3b. - M&E list	Retain
		Water Supply Use	Arsenic (Total)	5. - 303(d)	Retain
					Priority
					NA
					L

Listed portion:	¹	COUCUC10c_B	Fraser River from Fraser Canyon near Tabernash to the Town of Granby			
		Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
		Water Supply Use	Arsenic (Total)	5. - 303(d)	Retain	L
		Water Supply Use	Iron (Dissolved)	5. - 303(d)	Retain	L
Listed portion:	¹	COUCUC10c_C	From the Town of Granby to confluence with the Colorado River			
		Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
		Water Supply Use	Iron (Dissolved)	5. - 303(d)	Retain	L
		Water Supply Use	Arsenic (Total)	5. - 303(d)	Retain	L
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COUCUC12		12. Lakes and reservoirs within Arapahoe National Recreation Area, including Grand Lake, Shadow Mountain Lake and Lake Granby.				
Listed portion:	¹	COUCUC12_B	Shadow Mountain Reservoir			
		Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
		Aquatic Life Use	Dissolved Oxygen	5. - 303(d)	Retain	H
		Water Supply Use	Arsenic (Total)	5. - 303(d)	Retain	H
Listed portion:	¹	COUCUC12_D	Willow Creek Reservoir			
		Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
		Water Supply Use	Arsenic (Total)	3b. - M&E list	Retain	NA
		Water Supply Use	Iron (Dissolved)	5. - 303(d)	Retain	L
		Water Supply Use	Manganese (Dissolved)	5. - 303(d)	Retain	L
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COUCYA02a		2a. Mainstem of the Yampa River from the confluence with Wheeler Creek to a point immediately above the confluence with Oak Creek.				
Listed portion:	¹	COUCYA02a_A	Yampa River above Stagecoach Reservoir			
		Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
		Water Supply Use	Manganese (Dissolved)	3b. - M&E list	Retain	NA
		Water Supply Use	Arsenic (Total)	5. - 303(d)	Retain	L
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COUCYA02b		2b. Mainstem of the Yampa River from a point immediately above the confluence with Oak Creek to a point immediately below the confluence with Elkhead Creek.				
Listed portion:	¹	COUCYA02b_A	Mainstem of the Yampa River from a point immediately above the confluence with Oak Creek to a point immediately below the confluence with Elkhead Creek.			
		Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
		Aquatic Life Use	Temperature	5. - 303(d)	Retain	H
		Water Supply Use	Arsenic (Total)	5. - 303(d)	Retain	L
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COUCYA03		3. All tributaries to the Yampa River, including all wetlands, from the source to the confluence with Elk River, except for specific listings in Segments 4-8, 13a-f and 19. Mainstem of the Bear River, including all tributaries and wetlands from the boundary of the Flat Tops Wilderness Area to the confluence with the Yampa River.				
Listed portion:	¹	COUCYA03_B	Bushy Creek			
		Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
		Aquatic Life Use	Sediment	5. - 303(d)	Retain	L

Listed portion:	¹	COUCYA03_D	Little Morrison Creek			
		Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
		Water Supply Use	Manganese (Dissolved)	3b. - M&E list	Retain	NA
		Aquatic Life Use	Iron (Total)	5. - 303(d)	Retain	L
		Water Supply Use	Arsenic (Total)	5. - 303(d)	Retain	H
Listed portion:	¹	COUCYA03_E	Gunn Creek			
		Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
		Aquatic Life Use	Zinc (Dissolved)	5. - 303(d)	Retain	L
		Water Supply Use	Arsenic (Total)	5. - 303(d)	Retain	H
COUCYA04		4. Mainstem of Little White Snake Creek from the source to the confluence with the Yampa River.				
Listed portion:	¹	COUCYA04_A	Mainstem of Little White Snake Creek from the source to the confluence with the Yampa River.			
		Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
		Aquatic Life Use	Dissolved Oxygen	3b. - M&E list	Retain	NA
		Water Supply Use	Manganese (Dissolved)	3b. - M&E list	Retain	NA
COUCYA08		8. Mainstem of the Elk River including, all tributaries and wetlands, from the source to the confluence with the Yampa River, except for those tributaries included in Segments 1, 20a and 20b.				
Listed portion:	¹	COUCYA08_B	Elk River and tributaries below Morin Ditch			
		Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
		Water Supply Use	E. coli	5. - 303(d)	Retain	H
Listed portion:	¹	COUCYA08_C	Lost Dog Creek and tributaries			
		Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
		Aquatic Life Use	Zinc (Dissolved)	3b. - M&E list	Retain	NA
		Water Supply Use	Arsenic (Total)	3b. - M&E list	Retain	NA
		Water Supply Use	Mercury (Dissolved)	3b. - M&E list	Retain	NA
COUCYA12		12. All tributaries to the Yampa River, including all wetlands, from the confluence with the Elk River to the confluence with Elkhead Creek, which are not on National Forest lands, except for specific listings in Segments 11 and 13a-fj.				
Listed portion:	¹	COUCYA12_B	Wolf Creek and its tributaries			
		Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
		Aquatic Life Use	Macroinvertebrates (Provisional)	5. - 303(d)	Retain	M
COUCYA13b		13b. Mainstem of Foidel Creek, including all tributaries and wetlands. Mainstem Fish Creek, including all tributaries from County Road 27 downstream to the confluence with Trout Creek, except for specific listings in Segment 13g. Middle Creek and all tributaries, from County Road 27 downstream to the confluence with Trout Creek.				
Listed portion:	¹	COUCYA13b_A	Foidel Creek and tributaries, Middle Creek and tributaries			
		Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
		Aquatic Life Use	Sediment	3b. - M&E list	Retain	NA

Listed portion:	¹	COUCYA13b_B	Fish Creek and tributaries			
		Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
		Aquatic Life Use	Sediment	3b. - M&E list	Retain	NA
		Recreational Use	E. coli	3b. - M&E list	Retain	NA
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COUCYA13d		13d. Mainstem of Dry Creek, including all tributaries and wetlands, from the source to just above the confluence with Temple Gulch.				
Listed portion:	¹	COUCYA13d_A	Dry Creek including all wetlands and tributaries from source to just above the confluence with Temple Gulch.			
		Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
		Aquatic Life Use	Iron (Total)	5. - 303(d)	Retain	L
<hr/>						
Listed portion:	¹	COUCYA13d_B	Dry Creek from Seneca sample location 8 (WSD5) to just above Temple Gulch			
		Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
		Aquatic Life Use	Iron (Total)	5. - 303(d)	Retain	L
<hr/>						
COUCYA13e		13e. Mainstem of Sage Creek, including all tributaries and wetlands, from its sources to the confluence with the Yampa River.				
Listed portion:	¹	COUCYA13e_A	Sage Creek and tributaries above Routt County Road 51D, Grassy Creek and tributaries			
		Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
		Aquatic Life Use	Temperature	3b. - M&E list	Retain	NA
<hr/>						
Listed portion:	¹	COUCYA13e_B	Sage Creek and tributaries below Routt County Road 51D			
		Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
		Aquatic Life Use	Selenium (Dissolved)	5. - 303(d)	Retain	L
<hr/>						
COUCYA13h		13h. Mainstem of Dry Creek, including all tributaries and wetlands, from the confluence with Temple Gulch to the confluence with the Yampa River near Hayden.				
Listed portion:	¹	COUCYA13h_A	Dry Creek including all tributaries from Routt County Road 53 to Yampa River			
		Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
		Aquatic Life Use	Selenium (Dissolved)	5. - 303(d)	Retain	M
<hr/>						
COUCYA13j		13j. Mainstem of Grassy Creek, including all tributaries and wetlands, from the confluence with Scotchmans Gulch to the confluence with the Yampa River near Hayden.				
Listed portion:	¹	COUCYA13j_A	Mainstem of Grassy Creek, including all tributaries and wetlands, from the confluence with Scotchmans Gulch to the confluence with the Yampa River near Hayden.			
		Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
		Aquatic Life Use	Selenium (Dissolved)	3b. - M&E list	Retain	NA
<hr/>						
COUCYA15		15. Mainstem of Elkhead Creek, including all tributaries and wetlands, from a point immediately below the confluence with Calf Creek to the confluence with the Yampa River. Dry Fork of Elkhead Creek, including all tributaries and wetlands, from a point immediately below 80A Road to the confluence with the Yampa River.				
Listed portion:	¹	COUCYA15_B	Mainstem of Elkhead Creek from Calf Creek to Yampa River			
		Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
		Water Supply Use	Arsenic (Total)	5. - 303(d)	Retain	H

COUCYA18	18. Mainstem of the Little Snake River, including all tributaries and wetlands, from the Routt National Forest boundary to the Colorado/Wyoming border.					
Listed portion:	¹	COUCYA18_A	Little Snake River including all tributaries and wetlands from forest boundary to Wyoming border, except for the South Fork of the Little Snake River			
		Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
		Aquatic Life Use	Copper (Dissolved)	3b. - M&E list	Retain	NA
Listed portion:	¹	COUCYA18_B	South Fork of Little Snake River and its tributaries			
		Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
		Recreational Use	Iron (Dissolved)	3b. - M&E list	Retain	NA
		Water Supply Use	Arsenic (Total)	3b. - M&E list	Retain	NA
COUCYA22	22. All lakes and reservoirs tributary to the Yampa River from the source to the confluence with Elkhead Creek, except for those listed in Segment 21. All lakes and reservoirs tributary to Elkhead Creek from the source to the confluence with the Yampa River, except for specific listings in Segment 23. All lakes and reservoirs tributary to the Little Snake River, including those on National Forest lands.					
Listed portion:	¹	COUCYA22_B	Catamount Lake			
		Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
		Aquatic Life Use	Fish (Mercury)	5. - 303(d)	Retain	H
COUCYA23	23. Elkhead Reservoir					
Listed portion:	¹	COUCYA23_A	Elkhead Reservoir			
		Impaired Use	Analyte	Category / List ²	Proposed Action	Priority
		Aquatic Life Use	Fish (Mercury)	5. - 303(d)	Retain	H

1 - When portion description matches segment description, the entire segment is listed. However, when descriptions differ, only the portion described is listed.

2 - EPA reporting categories are as follows: 1) meets all designated uses 2) meets some designated uses 3) insufficient data to make use support determination (Monitoring and Evaluation List) 4a) impaired with an approved TMDL 4b) impaired with appropriate 4b plan 4c) impaired due to pollution 5) impaired without a TMDL completed.

93.4 Impaired Water Bodies Not Requiring TMDLs

Segments may be determined to be impaired if available data and/or information indicate that at least one classified use is not being supported, but a TMDL is not needed. These waters are broken out into three additional subcategories. Waters in these lists do not require a TMDL for one of the following reasons:

- Segments where a TMDL has been completed and approved but uses are not yet attained;
- Segments where other required control mechanisms are expected to address waterbody/pollutant combinations and will attain water quality standards in a reasonable period of time. (Category 4b Segment/Parameters)
- Segments where the impairment is not caused by a pollutant. (Category 4c Segment/Parameters)

93.4 Impaired Water Bodies Not Requiring TMDLs					
WBID	Segment Description	Approved TMDL Parameters	Category 4b Parameter(s)	Category 4c Parameter(s)	Approval Date
<u>COARMA18a</u>	<u>Mainstem of Boggs Creek from the source to Pueblo Reservoir.</u>	<u>Se, U</u>	-	-	<u>3/18/2016</u>
COARUA01a	(McNasser Gulch, South Fork of Lake Creek, and Sayres Gulch) within Mount Massive and Collegiate Peaks Wilderness areas.	Al, Cd, Cu, Zn, pH			6/14/2009
COARUA01a	(Graham Gulch, Mountain Boy Gulch, and North Fork of Lake Creek) within Mount Massive and Collegiate Peaks Wilderness areas.	Cu			11/30/2010
COARUA01b	E. Fork Arkansas River above Birdseye Gulch	Pb, <u>Zn</u>			2/17/2004
COARUA01b	E. Fork Arkansas River above Birdseye Gulch	Zn	-	-	2/17/2004
COARUA02a	Arkansas River, Birdseye Gulch to California Gulch	Zn			6/14/2009
COARUA02b	Arkansas River above Lake Fork	Cd, Zn			6/14/2009

93.4 Impaired Water Bodies Not Requiring TMDLs					
WBID	Segment Description	Approved TMDL Parameters	Category 4b Parameter(s)	Category 4c Parameter(s)	Approval Date
COARUA02c	Arkansas River, Lake Fork to Lake Creek	Cd, Zn			6/14/2009
COARUA03	Arkansas River, Lake Creek to Pueblo Reservoir <u>the Chaffee/Fremont County line.</u>	Cd, Zn			6/14/2009
COARUA04a	Mainstem of the Arkansas River from the Chaffee/Fremont County Line to a point immediately above Highway 115 bridge, due east of Florence.	Cd, Zn			6/14/2009
COARUA04b	Mainstem of the Arkansas River from a point immediately above Highway 115 bridge, due east of Florence, to the inlet of Pueblo Reservoir.	Cd, Zn			6/14/2009
COARUA05	Halfmoon Creek	Cd, Pb			6/14/2009
COARUA07	Evans Gulch	Zn			6/14/2009
COARUA08b	Iowa Gulch	Cd, Pb, Zn			10/26/2012
COARUA10	Lake Creek	Cu			11/30/2010
COARUA11	Sayres Gulch, & South Fork Lake Creek, Sayres Gulch to Lake Creek Mainstem of South Fork of Lake Creek, including all tributaries and wetlands, from the source to the confluence with Lake Creek.	Al, Cd, Cu, Zn, pH			6/14/2009
COARUA12a	Chalk Creek	Pb, Zn			6/14/2009
COGULG01	Gunnison River below N. Fork	Se			2/14/2011

93.4 Impaired Water Bodies Not Requiring TMDLs					
WBID	Segment Description	Approved TMDL Parameters	Category 4b Parameter(s)	Category 4c Parameter(s)	Approval Date
COGULG02	Gunnison River	Se			2/14/2011
COGULG04a	Gunnison River tributaries	Se			2/14/2011
COGULG04b	<u>Lower Kannah Creek Mainstem of Kannah Creek. All tributaries to Reeder, Hollenbeck and Juniata Reservoirs</u>	Se			2/14/2011
COGULG04c	Red Rock Creek	Se			2/14/2011
COGULG09	Fruitgrowers Reservoir	DO			2/14/2013
COGUNF03	Lower N. Fork Gunnison River	Se			2/14/2011
COGUNF05a	Leroux Creek, Jay Creek	Se			2/14/2011
COGUNF06a	Short Draw	Se	-	-	2/14/2011
COGUNF06b	<u>Short Draw, Cottonwood Creek</u>	Se			2/14/2011
COGUSM03a	San Miguel River below Idarado	Zn			9/17/2008
COGUSM03a	San Miguel River below Idarado	Cd			8/3/2010
COGUSM03b	San Miguel River, Marshall Creek to South Fork San Miguel River	Cd, <u>Zn</u>			9/17/2008
COGUSM03b	San Miguel River, Marshall Creek to South Fork San Miguel River	Zn	-	-	9/17/2008
COGUSM03b	San Miguel River below Idarado	sediment			4/8/2000 8/3/2010
COGUSM06a	Ingram Creek	Zn			9/17/2008
COGUSM06a	Ingram Creek	Cd			8/3/2010

93.4 Impaired Water Bodies Not Requiring TMDLs					
WBID	Segment Description	Approved TMDL Parameters	Category 4b Parameter(s)	Category 4c Parameter(s)	Approval Date
COGUSM06b	Marshall Creek	Zn			9/17/2008
COGUSM06b	Marshall Creek	Cd			8/3/2010
COGUUG30	Henson Creek	Cd	-	-	7/29/2010
<u>COGUUG30</u>	<u>Henson Creek</u>	<u>Cd, Zn</u>	<u>-</u>	<u>-</u>	<u>7/29/2010</u>
COGUUG31	Palmetto Gulch	Cd	-	-	6/15/2010
<u>COGUUG31</u>	<u>Palmetto Gulch</u>	<u>Cd, Zn</u>	<u>-</u>	<u>-</u>	<u>6/15/2010</u>
COGUUG31	Henson Creek	Zn	-	-	7/29/2010
COGUUG32	Palmetto Gulch	Zn	-	-	6/15/2010
COGUUN02	Uncompahgre River, source to Red Mountain Creek	Cd, Cu, Zn			1/5/2010
COGUUN03a, <u>b</u> , <u>c</u> , <u>d</u> , <u>e</u>	Uncompahgre River, Red Mountain Creek to Montrose	Cd, Cu, Fe (trec)			1/5/2010
COGUUN04 <u>e</u> <u>b</u> , <u>c</u>	Uncompahgre River, Delta to Colorado River	Se			2/14/2011
COGUUN06a	Red Mountain Creek, source to East Fork Red Mountain Creek	Zn(sc)			1/5/2010
COGUUN12	Uncompahgre River tributaries	Se			2/14/2011
COGUUN13	Uncompahgre River tributaries	Se	-	-	2/14/2011
CORGAL03a	Alamosa River, Alum Creek to Wightman Fork	Al, Cu, Zn pH			9/21/2007
CORGAL03b	Alamosa River, Wightman Fork to Fern Creek	Al, Cu, Zn, pH			9/21/2007
CORGAL03c	Alamosa River, Fern Creek to Ranger Creek	Al, Cu, Zn, pH			9/21/2007

93.4 Impaired Water Bodies Not Requiring TMDLs					
WBID	Segment Description	Approved TMDL Parameters	Category 4b Parameter(s)	Category 4c Parameter(s)	Approval Date
CORGAL03d	Alamosa River, Ranger Creek to Terrace Reservoir	Cu, Zn, pH			9/21/2007
CORGAL05	Wightman Fork above Summitville	pH			9/21/2007
CORGAL08	Terrace Reservoir	Cu			9/21/2007
CORGAL08	Terrace Reservoir	Fe(Trec)			2/14/2013
CORGAL09	Alamosa River, Terrace Reservoir to Hwy 15	Cu			9/21/2007
<u>CORGCB08</u>	<u>Mainstem of Brewery Creek from source to Kerber Creek, and the mainstem of Elkhorn Gulch. Mainstem of Kerber Creek, including all tributaries and wetlands from the source to a point immediately above the Cocomongo Mill site. Mainstem of Squirrel Creek from the source to immediately above Bear Creek.</u>	<u>Ag, Cd, Pb</u>	-	-	<u>9/17/2008</u>
CORGCB09a	Kerber Creek above Brewery Creek	Ag, Cd, Pb			9/17/2008
CORGCB09b	Kerber Creek, Brewery Creek to San Luis Creek	Cd, Cu, Zn			9/17/2008
CORGRG04 <u>a, b</u>	Rio Grande River below Willow Creek	Cd, Zn			9/23/2008
<u>CORGRG307</u>	Sanchez Reservoir	Hg			9/29/2008
COSJAF02	Animas River & tributaries, Denver Lake to Maggie Gulch	Al, Cd, Cu, Fe, Pb			12/6/2002
COSJAF03 <u>Bb</u>	Animas River, Cement Creek to Mineral	Al, Cd, Cu, Fe, Pb			12/6/2002

93.4 Impaired Water Bodies Not Requiring TMDLs					
WBID	Segment Description	Approved TMDL Parameters	Category 4b Parameter(s)	Category 4c Parameter(s)	Approval Date
	Creek				
COSJAF04Aa	Animas River, Mineral Creek to Elk Creek	pH, Cu, Fe, Zn			12/6/2002
COSJAF04Bb	Animas River, Elk Creek to Junction Creek	Zn			12/6/2002
<u>COSJAF05a</u>	<u>Mainstem of the Animas River, including wetlands, from Bakers Bridge to Dry Gulch.</u>	<u>Zn</u>	=	=	<u>12/6/2002</u>
<u>COSJAF06</u>	<u>Middle Fork of Mineral Creek, Mill Creek, Porohyry Gulch, and Big Horn Gulch</u>	<u>Al, Cd, Cu, Pb, Fe</u>	=	=	<u>12/6/2002</u>
COSJAF07	Cement Creek, source to Animas River	Al, Cd, Cu, Pb, Fe			12/6/2002
COSJAF08	Mineral Creek, source to South Mineral Creek	Al, Cd, Cu, Pb, Fe			12/6/2002
COSJAF09b	Mineral Creek, South Mineral Creek to Animas River	pH, Cu, Fe, Zn			12/6/2002
COSJDO04b	McPhee Reservoir	Hg (Phase 1)			2/14/2004
COSJDO09	Silver Creek from Rico's diversion to Dolores River	<u>Zn</u> , Cd			8/22/2008
COSJDO09	Silver Creek from Rico's diversion to Dolores River	<u>Zn</u>	-	-	8/22/2008
COSJLP04a	Box Canyon Creek	sediment			8/30/2000
COSJLP04a	East Fork Mancos River	Cu, Mn			7/27/2012
COSJLP0811	Narraquinnep Reservoir	Hg (Phase 1)			2/14/2004

93.4 Impaired Water Bodies Not Requiring TMDLs					
WBID	Segment Description	Approved TMDL Parameters	Category 4b Parameter(s)	Category 4c Parameter(s)	Approval Date
<u>COSPBD01</u>	<u>Mainstem of Big Dry Creek, including all tributaries and wetlands, from the source to the confluence with the South Platte River</u>	<u>E.coli</u>	-	-	<u>9/28/2016</u>
COSPBO02b	Boulder Creek	E. coli			9/27/2011
COSPBO04a	Gamble Gulch	Cu, Zn, pH			6/30/2009
COSPBO04a	Gamble Gulch	Cd, Zn			8/12/2010
COSPBO09	Boulder Creek, South Boulder Creek to Coal Creek	NH3			7/14/2003
COSPBO10	Boulder Creek, Coal Creek to St. Vrain Creek	NH3			7/14/2003
COSPCL02 <u>a, b, c</u>	Clear Creek, Silver Plume to Argo Tunnel	Cu, Pb, Zn			9/18/2008
COSPCL03a	Lower Cabin Creek Reservoir to Clear Creek		Aquatic Life		1/11/2016
COSPCL03a	South Clear Creek downstream of Lower Cabin Creek Reservoir to Clear Lake	Zn			9/18/2008
COSPCL03b	Leavenworth Creek	Pb, Zn			9/18/2008
COSPCL09a	Fall River	Cu			9/18/2008
COSPCL09b	Trail Creek	Cd, Cu, Pb, Zn			9/18/2008
COSPCL11	Clear Creek, Argo Tunnel to Farmers Highline Canal	Cd, Pb, Zn			9/18/2008
COSPCL13 <u>b</u>	North Fork Clear Creek	Cd, Fe, Mn, Zn			9/18/2008

93.4 Impaired Water Bodies Not Requiring TMDLs					
WBID	Segment Description	Approved TMDL Parameters	Category 4b Parameter(s)	Category 4c Parameter(s)	Approval Date
COSPCP07	North Fork Cache la Poudre River, Hall Reservoir to Cache la Poudre River	sediment			7/25/2002
COSPMS01a	South Platte River from Big Dry Creek to St. Vrain Creek		Ammonia & Nitrate		8/20/2009
COSPMS04	<u>Barr Lake</u> , Milton Reservoir	DO, pH			6/27/2013
COSPMS04	Barr Lake	DO, pH	-	-	6/27/2013
COSPSV03	St. Vrain Creek, Hygiene Road to South Platte River	NH3			7/14/2003
COSPSV04a	Left Hand Creek Hyw 72 to James Ck	Cd, Cu, Zn, pH			9/1/2015
COSPSV04 <u>b</u>	Little James Creek	Cd, Fe, Mn, Zn, pH			7/17/2002
COSPSV04b	James Creek	Cd, Cu, Pb, Zn			9/1/2015
COSPSV04b	Little James Creek	Cd, Cu, Pb, Zn, pH			9/1/2015
COSPSV04c	Left Hand Creek below James Creek	Cu			9/1/2015
COSPUS01A <u>a</u>	South Platte River, source to North Fork South Platte River	sediment			7/22/2002
COSPUS02B <u>b</u>	Mosquito Creek	Cd, Pb, Zn			8/11/2000
COSPUS02G <u>c</u>	South Mosquito Creek	Cd, Fe, Mn, Zn			8/11/2000
COSPUS04	Hall Valley to Geneva Creek	Cu			9/17/2008
COSPUS05a	Geneva Creek, source to Scott Gomer Ck	Cd, Cu, Mn, Zn			9/20/2010

93.4 Impaired Water Bodies Not Requiring TMDLs					
WBID	Segment Description	Approved TMDL Parameters	Category 4b Parameter(s)	Category 4c Parameter(s)	Approval Date
COSPUS05b	Geneva Creek, source to Scott Gomer Ck	Cd, Cu, Mn, Zn			9/20/2010
COSPUS05b	Geneva Creek, Scott Gomer Creek to N. Fork S. Platte River	Cu, <u>Zn</u>			8/22/2008
COSPUS05b	Geneva Creek, Scott Gomer Creek to N. Fork S. Platte River	Zn	-	-	8/22/2008
COSPUS14	South Platte River, Bowles Avenue to Burlington Ditch	NO3			6/4/2004
COSPUS14	S. Platte River, Bowles Ave. to Burlington Ditch	<i>E. coli</i>			10/30/2007
COSPUS15	South Platte, Burlington Ditch to Big Dry Creek		Ammonia & Nitrate		8/20/2009
<u>COSPUS15</u>	<u>South Platte, Burlington Ditch to Big Dry Creek</u>	<u>E. coli</u>	-	-	<u>2/16/2016</u>
COSPUS15	South Platte River, Burlington Ditch to Big Dry Creek	Cd			9/8/2006
COSPUS15	South Platte, Burlington Ditch to Big Dry Creek	DO			7/30/2000
COSPUS15	South Platte, Burlington Ditch to Big Dry Creek	Cd			7/19/2011
COUCBL06a	Snake River, source to Dillon Reservoir	Cd, Cu, Pb, Zn, pH			9/23/2008
COUCBL07	Peru Creek	Cd, Cu, Pb, Zn, pH, Mn			9/23/2008
COUCBL12	Illinois Gulch	Zn			2/1/2010

93.4 Impaired Water Bodies Not Requiring TMDLs					
WBID	Segment Description	Approved TMDL Parameters	Category 4b Parameter(s)	Category 4c Parameter(s)	Approval Date
COUCBL12	Illinois Gulch	Cd			6/13/2011
COUCBL18	Straight Creek	sediment			8/11/2000
COUCEA05(a,b,c) a, b, c	Eagle River, Belden to Gore Creek	Cu, Zn			8/31/2009
COUCEA07b	Cross Creek, source to Eagle River	Cu, Zn			8/31/2009
COUCUC06Cc	Un-named tributary to Willow Creek	NH3.			7/30/2000

93.5 - 93.9 Reserved

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93.17 STATEMENT OF BASIS, SPECIFIC STATUTORY AUTHORITY AND PURPOSE; DECEMBER 2017 RULEMAKING, EFFECTIVE DATE OF MARCH 1, 2018

The provisions of C.R.S. 25-8-202(1)(a), (b) and (i), (2) and (6); 25-8-203; 25-8-204; and 25-8-401; provide the specific statutory authority for adoption of these regulatory amendments. The commission also adopted in compliance with 24-4-103(4) C.R.S. the following statement of basis and purpose.

BASIS AND PURPOSE

A. Revisions to 303(d) List

1. Introduction

This regulation updates Colorado's List of Water-Quality-Limited Segments Requiring Total Maximum Daily Loads (TMDLs) to reflect additional water quality information available since the Regulation was promulgated in 2006. This list was prepared to fulfill section 303(d) of the federal Clean Water Act (Act) which requires that states submit to the U.S. Environmental Protection Agency (EPA) a list of those waters for which technology-based effluent limitations and other required controls are not stringent enough to implement water quality standards.

This regulation also updates Colorado's Monitoring and Evaluation List (M&E List) to reflect additional water quality information available since the Regulation was promulgated in 2012.

For the draft proposal of the 2018 Regulation #93, the format of the 303(d) and M&E List tables was changed substantially. The division developed a new format generated directly from the state's assessment tracking database (ATTAINS). The new 303(d) and M&E tables can be directly linked to the state's GIS segmentation layer and the standard's database. This new format will streamline the development of the 303(d) and M&E Lists throughout the hearing process by eliminating the need to track and change listings in two places (an assessment database and a Word table). The new format will also allow for queries and reports to be easily generated and will make for efficient and accurate reporting to EPA at the conclusion of each listing cycle as well as an automated generation of the Integrated Report.

The division studied 303(d) lists from many other states to come up with the new format. The division modeled the new tables after the State of Virginia's 303(d) List. In speaking with staff from Virginia, the division learned about the efficiencies associated with using a format generated out of the tracking database and decided to that Colorado should use a similar model.

2. List Development

a. Listing Methodology

The "Section 303(d) Listing Methodology - 2018 Listing Cycle" contains a description of the listing process, the criteria for listing, and the criteria for determination of TMDL priority. The Listing Methodology was developed through a public process and finalized as a policy at a Water Quality Control Commission (commission) administrative action hearing in March 2017.

This Listing Methodology sets forth the criteria that generally were used to make decisions regarding which waters to include on the 2018 Section 303(d) List and the 2018 M&E List. However, this methodology was not adopted by the commission as a rule. The commission therefore has the flexibility to take into account other appropriate factors in making site-specific listing decisions.

b. Information Considered

The commission considered all existing and readily available information in developing the 2018 Section 303(d) List. In determining whether data and information are existing and readily available, it has taken into account such data and information as the division has utilized in the preparation of those identification processes, calculations and models referenced in 40 CFR §130.7(a)(5)(i), (ii) and (iv) and that credible data and information presented in a readily usable format and submitted in reports provided to the division as referenced in 40 CFR §130.7(a)(5)(iii). In addition, the commission accepted credible data and information that was submitted in accordance with the listing process schedule, whether submitted by EPA or any other interested party. The division also independently collected and analyzed new data on a rotating basin basis as part of its triennial review efforts. This data and information was utilized in making listing proposals. Existing data which was not brought forward through one of the above mechanisms or otherwise presented to the commission in accordance with the schedule was not treated as "readily available" for purposes of making the 2018 listing decisions. The commission determined that such information will be considered in the next listing cycle.

c. Data Quality

In the division's "Quality Management Plan 2016 for Surface Water Monitoring and Assessment", the division states that "It is the expressed goal of the division to use only those analytical data that are both reliable and have a defined level of quality."

3. Prioritization

The objective of prioritization is to identify those segments where the division and the public should concentrate their resources. Priorities of High, Medium and Low were established according to section IV. of the 2018 Section 303(d) Listing Methodology.

The division is directed to establish a plan for monitoring and evaluating water bodies on the M&E List prior to the next listing cycle. Further, the commission has committed to determining their appropriate status (as either impaired or fully supporting) within ten years of their placement on the M&E List.

4. Impaired Segments Not Requiring TMDLs

Below the 303(d) and M&E Lists, the regulation includes a table in Section 93.4 with waterbodies that are impaired but that do not require a TMDL. A TMDL may not be required for three main reasons: a TMDL has already been completed but uses are not yet attained; there is a required control mechanism in place that is expected to address all segment-pollutant combinations and will attain water quality standards in a reasonable period of time; or it has been determined that the impairment is not caused by a pollutant.

5. Listings Due to Exceedances of the Temperature Standards

In 2016, the commission adopted a new definition of existing quality for temperature which specifies a 1 in 3 year average recurrence frequency of a "warming event". The 2018 303(d) Listing Methodology defines an allowable cumulative impact during this once in three year period. This method relies on the concept of "degree-days" which integrates both the magnitude of temperatures over the standard, as well the duration, in days, experienced by the aquatic community. Temperature excursions (air, low flow and shoulder season) are evaluated after the warming event is considered. If temperatures exceed the number of 'degree-days' specified, and the dates that exceed temperature standards do not have applicable excursions, the segment is placed on the 303(d) List as impaired for temperature.

The party proposing a temperature listing is responsible for investigating the temperature excursions as defined in Regulation No. 31, Footnote 5c, Table 1. This footnote includes three allowable excursions to exceedances of the temperature standard. These include an air temperature excursion, a low flow excursion and a winter shoulder season excursion. For the 2018 listing cycle, the division analyzed water temperature data from more than 121 stations in more than 65 segments. In cases where the excursions were evaluated and exceedances of the temperature standards remained, the commission included these segments on the 303(d) List. In cases where the excursions were not fully evaluated and exceedances of the temperature standards remained, the commission included these segments on the M&E List.

6. Listings Due to Exceedances of the Secondary Water Supply Standards

For the secondary water supply standards of dissolved iron, dissolved manganese and sulfate, the less restrictive of the following two options apply as the numeric standard: existing quality as of January 1, 2000 or the table value criteria in Regulation No. 31, Tables II and III. For dissolved iron, the table value standard (TVS) is 300 ug/l. For dissolved manganese, the TVS is 50 ug/l. For sulfate, TVS is 250 mg/l.

For the 2016 303(d) Listing Methodology, the commission included additional language regarding the determination of existing quality from the year 2000. This includes a minimum data requirement and the ability to use data collected after the year 2000 when characterizing existing quality from 2000. The utilization of data collected past the year 2000 is contingent upon there being no known new or increased sources of these parameters in the segment being assessed since 2000.

The following table summarizes the values that were used for the assessment of dissolved iron, manganese and sulfate for those waterbodies being proposed for the 303(d) or M&E List:

Portion ID	Analyte	List	TVS or 2000	Period of Record for 2000 dataset	Value	Units	Sample size of 2000 dataset
COARFO02a_A	Fe-D	303(d)	TVS		300	ug/L	
COARFO02b_A	Fe-D	303(d)	TVS		300	ug/L	
COGUNF06b_C	Fe-D	303(d)	TVS		300	ug/L	
COGUUG01_A	Fe-D	M&E	TVS		300	ug/L	
COGUUG01_B	Fe-D	M&E	TVS		300	ug/L	
COSJAF09_A	Fe-D	M&E	2000	95-04	2874.5	ug/L	189
COSJLP05_B	Fe-D	M&E	TVS		300	ug/L	
COARFO04_C	Mn-D	303(d)	2000	95-09	66.67	ug/L	84
COARFO06_A	Mn-D	303(d)	2000	95-09	60	ug/L	175
COARLA09a_A	Mn-D	303(d)	2000	95-99	204	ug/L	47
COGULG02_A	Mn-D	303(d)	TVS		50	ug/L	
COGULG12_B	Mn-D	303(d)	2000	95-04	94.35	ug/L	18
COGUNF03_B	Mn-D	303(d)	2000	95-99	72	ug/L	59
COGUNF03_C	Mn-D	303(d)	2000	95-99	72	ug/L	59
COGUNF06b_C	Mn-D	303(d)	2000	95-99	87.5	ug/L	36
COGUUG19_B	Mn-D	303(d)	TVS		50	ug/L	

Table 1. Values Used for the Assessment of Dissolved Iron, Dissolved Manganese and Sulfate Water Supply Standards

Portion ID	Analyte	List	TVS or 2000	Period of Record for 2000 dataset	Value	Units	Sample size of 2000 dataset
COGUUG29a_F	Mn-D	303(d)	TVS		50	ug/L	
COGUUN03a_A	Mn-D	303(d)	2000	95-99	573.8	ug/L	54
COGUUN03b_A	Mn-D	303(d)	2000	95-99	412.4	ug/L	67
COGUUN03c_A	Mn-D	303(d)	2000	95-99	180	ug/L	87
COGUUN04b_A	Mn-D	303(d)	TVS		50	ug/L	
COGUUN05_C	Mn-D	303(d)	TVS		50	ug/L	
COGUUN05_E	Mn-D	303(d)	TVS		50	ug/L	
CORGRG04b_B	Mn-D	303(d)	TVS		50	ug/L	
CORGRG04b_C	Mn-D	303(d)	TVS		50	ug/L	
CORGRG04b_D	Mn-D	303(d)	TVS		50	ug/L	
COSJAF03a_A	Mn-D	303(d)	site-specific std.		2571/2179	ug/L	
COSJAF04a_A	Mn-D	303(d)	TVS		2057.29	ug/L	
COSJAF09_A	Mn-D	303(d)	2000	95-04	480.18	ug/L	202
COARFO04_B	Mn-D	M&E	2000	95-09	66.67	ug/L	84
COARUA04b_A	Mn-D	M&E	TVS		50	ug/L	
COGULG04a_E	Mn-D	M&E	2000	95-99	85.45	ug/L	12
COSJAF04b_A	Mn-D	M&E	2000	95-99	259.5	ug/L	369
COSJLP04c_B	Mn-D	M&E	TVS		50	ug/L	
COSJSJ06a_C	Mn-D	M&E	TVS		50	ug/L	
COSJDO04b_A	Mn-D	M&E	TVS		50	ug/L	
COARFO02b_A	SO4	303(d)	TVS		250	mg/L	
COARFO04_B	SO4	303(d)	TVS		250	mg/L	
COARFO04_C	SO4	303(d)	TVS		250	mg/L	
COARLA01c_A	SO4	303(d)	2000	95-99	1750	mg/L	96
COGULG02_A	SO4	303(d)	TVS		250	mg/L	
COGULG12_B	SO4	303(d)	2000	95-04	555	mg/L	18
COGUUN04b_A	SO4	303(d)	2000	95-99	505	mg/L	106
COSJLP08a_A	SO4	303(d)	TVS		250	mg/L	
COSJLP08a_B	SO4	303(d)	TVS		250	mg/L	
COSJLP08a_C	SO4	303(d)	TVS		250	mg/L	
COSJLP08a_D	SO4	303(d)	TVS		250	mg/L	
COSJLP08a_E	SO4	303(d)	TVS		250	mg/L	
COARLA09a_C	SO4	M&E	TVS		1200	mg/L	
COARUA20b_A	SO4	M&E	TVS		250	mg/L	
COGULD03a_B	SO4	M&E	2000	95-09	275	mg/L	14
COGUUN04a_B	SO4	M&E	TVS		250	mg/L	
COSJLP05_B	SO4	M&E	2000	95-04	360	mg/L	22

7. Delisting of Segments with Recently Approved TMDLs

The division submitted 3 TMDLs to EPA since the approval of the 2016 303(d) List that have been approved. The commission has removed the following segments from the 303(d) List:

- COARMA18a –Mainstem of Boggs Creek from the source to Pueblo Reservoir (Selenium, Uranium)
- COSPBD01 - Mainstem of Big Dry Creek, including all tributaries and wetlands, from the source to the confluence with the South Platte River (E. coli)
- COSPUS15 - South Platte, Burlington Ditch to Big Dry Creek (E. coli)

8. Segments with TMDLs Currently under EPA Review:

- COARMA04a – Mainstem of Wildhorse Creek from the source to the confluence with the Arkansas River (E. coli).

9. Delisting of Segments Where Water Quality is Currently Meeting Standards

As additional water quality data are collected and assessed, new data may show attainment of standard. The commission removed the following segments and parameters from the 303(d) List due to a recent assessment of water quality data:

Table 2. Water Bodies Removed from 303(d) List			
Assessment Unit ID	Parameter	Assessment Unit ID	Parameter
COARFO03b_A	Copper (Dissolved)	COGUSM12b_G	Temperature
COARFO06_A	E. coli (May-Oct)	COGUUG02_B	Macroinvertebrates (Provisional)
COARLA05a_A	Arsenic (Total)	COGUUG08_A	Cadmium (Dissolved)
COARMA02_B	Manganese (Dissolved)	COGUUG10a_A	Copper (Dissolved)
COARMA02_B	Selenium (Dissolved)	COGUUG12_B	Arsenic (Total)
COARMA18a_A	Selenium (Dissolved)	COGUUG12_B	Copper (Dissolved)
COARMA18a_A	Uranium (Total)	COGUUN04c_A	Iron (Total)
COARMA18a_A	Zinc (Dissolved)	COGUUN04c_A	Iron (Total)
COARUA04a_A	Copper (Dissolved)	COGUUN07_A	Iron (Total)
COARUA05_B	Zinc (Dissolved)	CORGCB09b_B	Macroinvertebrates (Provisional)
COARUA05_C	Copper (Dissolved)	CORGRG04b_B	Copper (Dissolved)
COARUA05_C	Zinc (Dissolved)	CORGRG04c_A	Copper (Dissolved)
COARUA21a_B	Macroinvertebrates (Provisional)	COSJAF04a_A	Manganese (Dissolved)
COGULD02_D	Temperature	COSJLP03c_A	Iron (Total)
COGUNF09_B	pH	COSJPI06a_C	Sulfate
COGUNF09_B	Zinc (Dissolved)	COSJSJ09a_A	D.O.(Temperature)
COGUSM02_B	Cadmium (Dissolved)	COSPC04a_C	Dissolved Oxygen
COGUSM02_B	Zinc (Dissolved)		

The commission removed the following segments and parameters from the M&E List:

Table 3. Water Bodies Removed from 303(d) List			
Assessment Unit ID	Assessment Unit ID	Assessment Unit ID	Assessment Unit ID
COARFO01a_B	Iron (Total)	CORGCB02a_C	Iron (Dissolved)
COARLA04a_B	Manganese (Dissolved)	CORGCB02a_C	Manganese (Dissolved)
COARMA04a_A	Nitrite	CORGCB02a_C	Total Phosphorus
COARMA07b_A	Temperature	CORGCB02b_B	Iron (Dissolved)
COARMA09_A	Manganese (Dissolved)	CORGCB02b_B	Manganese (Dissolved)
COARMA11b_A	Iron (Total)	CORGCB02b_B	Total Phosphorus
COARMA11b_A	Manganese (Dissolved)	CORGCB02c_A	Manganese (Dissolved)
COARMA18a_A	Manganese (Dissolved)	CORGCB09a_B	Manganese (Dissolved)
COARUA24_B	Manganese (Dissolved)	CORGCB12a_A	Temperature
COGULD02_B	E. coli	CORGCB12a_A	Total Phosphorus
COGULD02_C	E. coli	CORGCB12a_B	Temperature
COGULD02_D	E. coli	CORGCB12a_B	Total Phosphorus
COGULD02_E	E. coli	CORGCB12a_C	Temperature
COGULD03a_B	E. coli	CORGCB12a_C	Total Phosphorus
COGULG04a_B	Sulfate	CORGRG04c_A	Manganese (Dissolved)
COGULG04b_B	Sulfate	CORGRG11_A	Total Phosphorus
COGULG07a_A	Selenium (Dissolved)	CORGRG19_A	Total Phosphorus
COGULG08_C	Temperature	CORGRG20a_B	Total Phosphorus
COGULG08_D	Temperature	CORGRG20a_C	Total Phosphorus
COGUSM02_B	Lead (Dissolved)	CORGRG20b_A	Total Phosphorus
COGUSM02_C	Lead (Dissolved)	COSJLP03c_A	Copper (Dissolved)
COGUSM03b_A	Lead (Dissolved)	COSJPI05a_B	Copper (Dissolved)
COGUSM04a_B	Lead (Dissolved)	COSJPI05a_B	pH
COGUSM10_B	Temperature	COSJPI06c_A	Iron (Total)
COGUSM12a_D	Dissolved Oxygen	COSJPI06c_A	Sulfate
COGUSM12a_F	Selenium (Dissolved)	COSJPI08_A	Dissolved Oxygen
COGUSM12b_A	Temperature	COSJPI08_A	Zinc (Dissolved)
COGUSM12b_C	Temperature	COSJSJ05_D	Lead (Dissolved)
COGUSM12b_D	Temperature	COSJSJ05_E	Lead (Dissolved)
COGUSM12b_F	Temperature	COSJSJ06a_C	Copper (Dissolved)
COGUSM12b_H	Temperature	COSJSJ06a_C	Lead (Dissolved)
COGUSM12c_A	Temperature	COSJSJ06a_C	Temperature
COGUUG04_B	Lead (Dissolved)	COSJSJ06a_C	Temperature
COGUUG23_B	Iron (Dissolved)	COSJSJ06b_B	Temperature
COGUUN04c_A	Lead (Dissolved)	COSJSJ06b_B	Temperature
COGUUN09_C	Lead (Dissolved)	COSJSJ06b_B	Temperature

Table 3. Water Bodies Removed from 303(d) List			
Assessment Unit ID	Assessment Unit ID	Assessment Unit ID	Assessment Unit ID
COGUUN10a_C	Sulfate	COSJSJ06b_C	Copper (Dissolved)
COGUUN11_D	Sulfate	COSJSJ06b_C	Lead (Dissolved)
COGUUN11_H	Selenium (Dissolved)	COSJSJ06b_C	Temperature
COGUUN11_J	Selenium (Dissolved)	COSJSJ06b_C	Temperature
CORGAL02_B	Iron (Dissolved)	COSJSJ09a_A	Silver (Dissolved)
CORGAL02_B	pH	COSJSJ09a_A	Lead (Dissolved)
CORGAL03b_B	Selenium (Dissolved)	COSJSJ09a_A	pH
CORGAL03c_A	Ammonia	COUCEA09b_B	Sediment
CORGAL10_A	Iron (Total)	COUCEA09b_C	Sediment
CORGCB02a_B	Manganese (Dissolved)		

10. Below is a table that summarizes segments or portions of segments that were added to, removed or retained on both the 303(d) and M&E Lists, by analyte.

Table 4. Summary of Water Bodies Added, Removed and Retained on the 303(d) and M&E Lists by Analyte			
Parameter	Action	# of Portions	Assessment Unit IDs
Dissolved Silver	Delist from M&E	1	COSJSJ09a_A
	New listing on 303(d)	2	COSJAF03a_A; COGUNF04c_A
	New listing on M&E	1	COGUUG10b_A
	Retain on 303(d) List	2	COSJLP01_A; COGUUN06a_A
	Retain on 4a List due to approved TMDL	2	CORGCB09a_A; CORGCB09a_B
	Retain on M&E List	11	COARUA05_C; COGUUG31_A; CORGRG33_B; CORGRG38_D; COSJAF13a_B; COSJAF22_B; COSPBO14_B; COSPCP07_C; COSPSV02b_A; COSPSV02b_B; COSPCP07_B
Dissolved Aluminum	Retain on 4a List due to approved TMDL	1	COARUA12a_A
Total Aluminum	New listing on 303(d)	1	COSJAF09_A
	Retain on 303(d) List	2	CORGAL03d_A; COSJAF04a_A
	Retain on 4a List due to approved TMDL	10	COARUA11_A; CORGAL03a_A; CORGAL03b_A; CORGAL03c_A; COSJAF02_B; COSJAF03b_A; COSJAF07_A; COSJAF08_A; CORGAL03b_B; COSJAF03a_B
	Delist from 303(d)	2	COARLA05a_A; COGUUG12_B
	Moved from M&E to 303(d)	3	COARLA10_B; COARMA11b_A; COGULD05_D

Table 4. Summary of Water Bodies Added, Removed and Retained on the 303(d) and M&E Lists by Analyte

Parameter	Action	# of Portions	Assessment Unit IDs
Total Arsenic	New listing on 303(d)	51	COARMA07b_A; COARMA13a_B; COARMA18a_A; COARUA02a_A; COARUA05_B; COARUA07_A; COGUNF04_B; COGUNF04_C; COGUNF06b_C; COGUSM02_C; COGUSM08_A; COGUSM12a_D; COGUSM12b_G; COGUUG01_A; COGUUG01_A; COGUUG01_B; COGUUG16a_B; COGUUG16b_A; COGUUG19_B; COGUUG21_A; COGUUG23_A; COGUUG23_B; COGUUG24_A; COGUUG24_B; COGUUG26_E; COGUUG26_B; COGUUG26_C; COGUUG29b_C; COGUUN04a_B; COGUUN04b_A; COGUUN11_A; COGUUN11_C; COGUUN11_D; CORGAL02_B; CORGRG02_B; CORGRG02_A; CORGRG02_B; COSJLP04c_C; COSJPI05_A; COARLA11_A; COARMA26_C; CORGRG38_D; COARLA15_B; COGUUG26_D; COGUUG29b_B; COGUUN11_J; COGUSM12c_A; CORGAL14a_B; COGUUN11_H; COGUNF04b_B; COGUNF04b_C
	New listing on M&E	31	COARUA04b_A; COARUA12a_A; COARUA20b_A; COGUSM12b_F; COGUSM12b_H; COGUUG04_B; COGUUG05a_A; COGUUG07_A; COGUUG18b_A; COGUUG30_A; COGUUG30_B; COGUUG30_C; CORGRG05_B; CORGRG05_C; COSJAF10a_A; COSJDO05a_B; COSJDO05a_C; COSJLP05_B; COSJPN02a_A; COSJPN05_A; COSJSJ06a_C; COSJSJ09a_A; COARMA26_B; CORGRG38_E; COSJLP11_B; COSJDO04b_A; COSJPI08_A; COSJSJ09a_A; COSJDO10a_A; COGULG16_C; COSJDO10b_a

Table 4. Summary of Water Bodies Added, Removed and Retained on the 303(d) and M&E Lists by Analyte

Parameter	Action	# of Portions	Assessment Unit IDs
Total Arsenic	Retain on 303(d) List	133	COARFO01a_B; COARLA01b_A; COARLA01c_A; COARLA05b_A; COARLA05b_B; COARLA09a_A; COARLA09a_B; COARMA03_A; COARMA09_A; COARUA02c_A; COARUA05_C; COARUA15_C; COGUUG09_B; COGUUG11_B; COGUUG11_D; COGUUG12_C; COGUNF04a_B; COLCLC01_B; COLCLC04c_A; COLCLC10_A; COLCLC10_B; COLCLC15a_A; COLCLC15c_A; COLCLY03c_C; COLCWH07_B; COLCWH12_A; COLCWH14a_A; COLCWH20_C; COLCWH21_A; CORGCB02a_B; CORGCB02a_C; CORGCB02b_B; CORGCB02c_A; CORGCB04_A; CORGCB09b_A; CORGCB09b_B; CORGCB12a_A; CORGCB12a_B; CORGCB12a_C; CORGRG04b_A; CORGRG04c_A; CORGRG09_B; CORGRG11_A; CORGRG19_A; COSPBE02_A; COSPBE02_B; COSPBE02_C; COSPBO02a_A; COSPBO02a_C; COSPBO02a_D; COSPBO02a_F; COSPBO02a_B; COSPBO03_A; COSPBO03_B; COSPBO04b_B; COSPBO09_A; COSPBO09_B; COSPBO10_A; COSPBO14_B; COSPBT01_A; COSPBT02_A; COSPBT02_B; COSPBT02_C; COSPBT02_D; COSPBT03_A; COSPBT07_A; COSPBT07_B; COSPBT07_B; COSPBT08_A; COSPBT08_B; COSPBT11_A; COSPCP02a_A; COSPCP06_A; COSPCP09_A; COSPCP10a_A; COSPCP10b_A; COSPCP14_A; COSPMS01b_A; COSPRE01_A; COSPSV02b_A; COSPSV02b_B; COSPSV07_B; COSPUS02c_C; COSPUS03_C; COSPUS03_D; COSPUS10a_C; COSPUS14_B; COSPUS17a_D; COUCBL02c_A; COUCBL04a_B; COUCBL20_B; COUCEA02_A; COUCEA05c_A; COUCEA06_A; COUCEA06_G; COUCEA06_C; COUCEA06_D; COUCEA06_E; COUCEA06_F; COUCEA09a_A; COUCEA09a_B; COUCEA09c_A; COUCNP01_B; COUCNP04a_F; COUCNP04a_G; COUCNP04a_H; COUCNP04b_B; COUCNP05b_A; COUCNP09_C; COUCNP09_D; COUCUC07a_C; COUCUC07b_C; COUCUC10c_A; COUCUC10c_B; COUCUC10c_C; COUCUC12_B; COUCYA02a_A; COUCYA02b_A; COUCYA03_D; COUCYA03_E; COUCYA15_B; COLCWH14a_B; COSPBO02a_E; CORGRG04b_D; COSPBO02b_C; COSPUS02c_D; COSPUS14_C; COSPBO02b_B; COLCWH20_B; COGUUG09_D; COUCEA06_H; COARUA15_B; COGUUG09_C

Table 4. Summary of Water Bodies Added, Removed and Retained on the 303(d) and M&E Lists by Analyte

Parameter	Action	# of Portions	Assessment Unit IDs
	Retain on M&E List	31	COARLA09a_C; COARUA35_A; COARUA38_B; COGUUG29a_C; COGUUG29a_D; COGUUG29a_E; COLCLC02b_B; COLCLC14c_B; COLCLC14c_C; COLCLC20_B; CORGAL20_A; CORGRG37_A; COSPBE11_B; COSPCP07_C; COSPLA02a_A; COSPLA02b_A; COSPUS03_F; COSPUS12_B; COUCBL12_B; COUCEA09b_B; COUCEA09b_C; COUCNP04a_C; COUCNP04a_D; COUCUC03_A; COUCUC03_B; COUCUC03_C; COUCUC12_D; COUCYA08_C; COUCYA18_B; COSPCP07_B; COUCBL12_C
Aquatic Life	Delist due to extent of impairment refined	2	COSJSJ05_D; COSJSJ05_E
	Delist due to new segmentation	6	COSJLP04a_A; COSJLP04a_E; COSJLP04a_C; COSJLP04a_D; COSJLP04a_F; COSJLP04a_B
	New listing on 303(d)	6	COGUUG10a_A; COGUUG10b_A; COGUUN05_E; COGUUN09_B; COSJLP07a_C; COSJLP07b_B
	New listing on M&E	5	COARMA04b_B; COSJLP04a_E; COARLA06a_F; COGULD02_D; COGULD02_C
	Retain on 303(d) List	25	COGUUG01_B; COGUUG04_B; COGUUG15a_B; COLCLY22a_B; COLCWH07_A; COLCWH07_B; COLCWH13c_A; COLCWH13c_B; COLCWH23_C; CORGCB02a_B; CORGCB02b_B; CORGRG11_A; CORGRG20a_C; COSPBT02_A; COSPBT02_B; COSPBT02_C; COSPBT02_D; COSPCL14a_B; COSPUS01a_C; COSPUS03_D; COSPUS03_E; COSPUS03_F; COSPUS11a_B; COUCRF03a_C; CORGRG20a_B
Aquatic Life	Retain on 4b List due to 4b Plan	2	COSPCL03a_B; COSPCL03a_C
	Retain on M&E List	27	COARUA05_B; COARUA14c_B; COARUA15_C; COLCLY03i_A; COLCWH13b_D; CORGRG07_A; CORGRG07_B; COSJSJ06a_D; COSPBO07b_A; COSPBO07b_B; COSPCL01_B; COSPCL02c_C; COSPCL02c_B; COSPUS01a_D; COSPUS02a_C; COSPUS03_B; COUCBL17_A; COUCBL17_B; COUCEA06_G; COUCEA06_E; COUCUC03_B; COUCUC03_C; COUCUC03_D; COSPCL02c_D; COARUA15_B; COGULD02_B; COGULD02_E
Aquatic Life (Provisional)	Delist due to new segmentation	2	COSJLP05_B; COSJLP05_C
	Delist from 303(d)	3	COARUA21a_B; COGUUG02_B; CORGCB09b_B
	New listing on 303(d)	15	COGULD05_A; COGUSM07_A; COGUSM07_B; COGUSM07_C; COGUUG26_D; CORGAL09_A; CORGAL10_A; CORGRG23b_A; COSJAF05a_A; COSJAF05a_B; COSJAF05a_C; COSJLP08_E; COSJLP09_B; COARLA06a_E; CORGRG23a_B
	Retain on 303(d) but extent of listing refined	2	COSJSJ05_D; COSJSJ05_E

Table 4. Summary of Water Bodies Added, Removed and Retained on the 303(d) and M&E Lists by Analyte

Parameter	Action	# of Portions	Assessment Unit IDs
	Retain on 303(d) but extent of listing refined	1	COSJLP08_B
	Retain on 303(d) List	52	COARFO03a_B; COARFO06_A; COARLA06a_B; COGUSM12b_D; COGUSM12a_E; COGUUG18b_A; COGUUG19_B; COGUUG24_B; COGUUG26_C; COGUUN11_C; COLCWH15_B; COLCWH20_C; CORGRG12_A; COSJLP06a_B; COSJPI06a_A; COSPBE02_A; COSPBE02_B; COSPBE02_C; COSPBO02a_D; COSPBO03_B; COSPBO07a_A; COSPBO09_B; COSPCP02a_A; COSPLS02b_C; COSJPI06c_A; COSPUS01a_A; COSPUS03_C; COSPUS06a_B; COSPUS10a_B; COSPUS10a_C; COSPUS11b_B; COUCBL01_A; COUCBL02b_A; COUCBL02c_A; COUCBL05_A; COUCEA06_C; COUCEA06_D; COUCEA06_F; COUCEA08_A; COUCEA09a_B; COUCNP04a_D; COUCRF03a_B; COUCRF03d_B; COUCRF07_B; COUCUC10a_C; COUCUC10a_D; COUCYA12_B; COLCWH15_C; COLCWH20_B; COSJLP06b_B; COSJPI06a_C; COSJPI06d_A
	Retain on M&E List	1	COUCEA06_H
Dissolved Cadmium	Delist from 303(d)	2	COGUSM02_B; COGUUG08_A
	Moved from M&E to 303(d)	1	COARUA05_C
	New listing on 303(d)	12	COARUA05_B; COARUA05_A; COARUA07_A; COGUUN05_C; COGUUN05_E; COGUUN08_A; CORGAL03a_A; CORGAL03b_A; CORGAL03b_B; CORGRG04c_A; COSJAF04a_A; COGUNF04c_A
	New listing on M&E	3	COGUUG07_B; COGUUN05_B; CORGRG06_B
	Retain on 303(d) List	25	COARUA12a_A; COGUUG10a_A; COGUUG10b_A; COGUUG11_B; COGUUG11_D; COGUUG12_C; COGUUG29a_B; COGUUN09_B; COSPCL02a_A; COSPCL02c_C; COSPCL02c_B; COSPCL09b_A; COSPCL11_A; COSPCP07_C; COSPUS02b_A; COSPUS02c_C; COUCEA05c_A; COSPCL02c_D; COSPCP07_B; COSPUS02c_A; COSPUS02c_D; COSJAF03c_A; COSPCL12a_A; COSPCL12a_B; COSPCL13b_B

Table 4. Summary of Water Bodies Added, Removed and Retained on the 303(d) and M&E Lists by Analyte

Parameter	Action	# of Portions	Assessment Unit IDs
Dissolved Cadmium	Retain on 4a List due to approved TMDL	47	COSPUS15_B; COARUA02b_A; COARUA02c_A; COARUA03_A; COARUA04a_A; COARUA05_D; COARUA08b_A; COARUA11_A; COGUSM03a_A; COGUSM03b_A; COGUSM06a_A; COGUSM06b_A; COGUUG30_B; COGUUG31_A; COGUUN02_A; COGUUN03a_A; CORGCB09a_A; CORGCB09b_A; CORGCB09b_B; CORGRG04a_A; CORGRG04b_A; COSJAF02_B; COSJAF03b_A; COSJAF07_A; COSJAF08_A; COSJDO09_A; COSPBO04a_B; COSPCL13b_A; COSPSV04a_A; COSPSV04a_B; COSPSV04b_B; COSPUS05a_A; COUCBL06a_B; COUCBL07_A; COUCBL12_B; COARUA08a_A; COGUUN03b_A; COGUUN03c_A; COGUUN03d_A; COGUUN03e_B; COGUUN03e_C; COGUUN03f_A; COSPUS15_C; CORGRG04b_B; CORGRG04b_C; CORGRG04b_D; COSJAF03a_B
	Retain on M&E List	12	COGUUG29a_C; COGUUG29a_D; COGUUG29a_E; COLCLC04e_A; CORGAL03c_A; CORGAL20_A; CORGCB12a_C; CORGRG05_B; COSPCL03b_A; COSPCL06_C; COSPUS01b_C; COUCBL04a_B
Chlorophyll a	Retain on 303(d) List	2	COSPBE01c_A; COSPCH02_A
Chloride	New listing on 303(d)	1	COGULD02_C
Cyanide	New listing on 303(d)	1	COARFO06_A
Dissolved Copper	Add to M&E due to new segmentation	1	COSJLP04c_C
	Delist due to new segmentation	1	COSJLP04a_E
	Delist from 303(d)	7	COARFO03b_A; COARUA04a_A; COARUA05_C; COGUUG10a_A; CORGRG04b_B; CORGRG04c_A; COGUUG12_B
	Delist from M&E	4	COSJLP03c_A; COSJPI05a_B; COSJSJ06a_C; COSJSJ06b_C
	Moved from M&E to 303(d)	4	COGUSM06a_A; COGUSM06b_A; COGUUG31_A; COGUUN08_A
	New listing on 303(d)	4	COARFO09_B; COARUA05_A; COGUUN05_C; COSJDO04a_B
	New listing on M&E	6	COARMA04b_B; COGUUN05_B; CORGRG07_A; CORGRG07_B; COSJDO05a_C; COSJLP01_A

Table 4. Summary of Water Bodies Added, Removed and Retained on the 303(d) and M&E Lists by Analyte

Parameter	Action	# of Portions	Assessment Unit IDs
Dissolved Copper	Retain on 303(d) List	38	COARUA30_B; COGULD05_B; COGUUG10b_A; COGUUG12_C; COGUUG29a_B; COGUUG29a_B; CORGCB03_D; COSPBE01e_B; COSPBO02a_B; COSPBO02a_C; COSPBO04a_A; COSPBO04b_B; COSPBO14_B; COSPBT01_A; COSPBT07_B; COSPBT07_B; COSPBT16_B; COSPCL02c_B; COSPCL03a_B; COSPCL05_B; COSPCL06_C; COSPCL09a_B; COSPCL10_A; COSPSV02b_B; COUCBL04a_C; COUCUC02_D; COUCUC10a_D; CORGRG04b_C; COSPBT02_C; COGUUN06a_A; COSPSV05_B; COSPSV05_A; COGUUN07_A; COSPBT03_A; COSPCL03b_A; COSPCL12a_A; COSPCL12a_B; COSPLA02b_A
	Retain on 4a List due to approved TMDL	45	COARUA10_A; COARUA11_A; COGUUN02_A; COGUUN03a_A; CORGAL03a_A; CORGAL03b_A; CORGAL03d_A; CORGAL08_A; CORGAL09_A; CORGCB09b_A; CORGCB09b_B; COSJAF02_B; COSJAF03b_A; COSJAF04a_A; COSJAF07_A; COSJAF08_A; COSJAF09_A; COSPBO04a_B; COSPCL02a_A; COSPCL02b_B; COSPCL02c_C; COSPCL09a_C; COSPCL09b_A; COSPSV04a_B; COSPUS04_C; COSPUS05a_A; COSPUS05b_A; COUCBL06a_B; COUCBL07_A; COUCEA05a_A; COUCEA05b_A; COUCEA05c_A; COUCEA07b_A; CORGAL03b_B; CORGAL03c_A; COSPSV04b_B; COSPSV04c_A; COGUUN03b_A; COGUUN03c_A; COGUUN03d_A; COGUUN03e_B; COGUUN03e_C; COGUUN03f_A; COSPUS04_E; COSJAF03a_B
	Retain on M&E List	25	COGUUG26_B; COGUUG31_A; COGUUN09_D; COLCLC04e_A; COLCLC13a_B; COLCLY07_A; CORGAL20_A; CORGCB03_B; CORGCB05_A; CORGCB10_B; CORGRG05_B; CORGRG09_B; CORGRG25_A; CORGRG28_B; COSJLP04a_C; COSJSJ06a_C; COUCBL12_B; COUCNP04a_F; COUCNP05b_A; COUCNP06_A; COUCRF02_A; COUCUC08_B; COUCYA18_A; COUCBL12_C; COSJSJ06b_C
Dissolved Oxygen (Temperature)	Delist from 303(d)	2	COGULG13_A; COSJSJ09a_A
	Retain on 303(d) List	1	COARLA15_B
	New listing on 303(d)	1	CORGRG38_E
Dissolved Oxygen	Delist due to new segmentation	1	COSJLP04a_E
	Delist from 303(d)	1	COSPCH04a_C
	Delist from M&E	2	COGUSM12a_D; COSJPI08_A
	New listing on 303(d)	1	COGUUG02_D
	New listing on M&E	6	COGUSM02_E; COGUSM14_B; CORGRG02_B; CORGRG23b_A; COGUNF04c_A; CORGRG20a_B

Table 4. Summary of Water Bodies Added, Removed and Retained on the 303(d) and M&E Lists by Analyte

Parameter	Action	# of Portions	Assessment Unit IDs
	Retain on 303(d) but extent of listing refined	2	COSJLP04a_E; COSJLP04c_C
	Retain on 303(d) List	22	COARUA10_A; COARUA35_A; COGULG13_A; COGUSM02_D; COGUSM20_B; CORGAL25_A; COSJLP04a_C; COSJSJ08_B; COSPCH02_A; COSPCL17a_A; COSPLS03_B; COSPUS03_B; COSPUS17a_D; COSPUS17a_E; COSPUS23_B; COUCUC12_B; COSJLP04a_F; COSPUS23_C; COSPUS23_D; COUCNP07b_A; COSPCH06_B; COSPCP20_B
	Retain on 4a List due to approved TMDL	6	COSPUS15_C; COSPUS15_D; COGULG09_A; COSPMS04_A; COSPMS04_B; COSPUS15_B
	Retain on M&E List	12	COGUSM07_C; COGUSM10b_B; COLCLC04b_A; CORGCB05_A; COSPBT10_A; COSPCL12a_A; COSPUS03_E; COSPUS03_F; COSPUS03_H; COSPUS09_B; COUCUC06b_A; COUCYA04_A
<i>E. coli</i>	Delist due to approved TMDL	4	COSPUS15_B; COSPUS15_C; COSPUS15_D; COSPUS15_A
	Delist from M&E	5	COGULD03a_B; COGULD02_D; COGULD02_B; COGULD02_C; COGULD02_E
	New listing on 303(d)	4	COARFO02b_A; COARFO06_A; COARMA03_A; COGULG04c_A
	New listing on M&E	4	COARFO03b_A; COARMA04c_A; COARMA04g_A; COARUA15_B
	Retain on 303(d) List	44	COARFO01a_B; COARFO04_A; COARFO04_B; COARFO04_C; COARLA01a_A; COARLA09a_C; COARMA04a_A; COGULG02_A; COLCLC13b_C; CORGRG28_B; COSJLP07a_C; COSPBD01_A; COSPBD01_B; COSPBE02_C; COSPBO07b_A; COSPBO07b_B; COSPBO09_A; COSPBO09_B; COSPBO10_A; COSPBT09_A; COSPCH03_A; COSPCL15_A; COSPCL18a_A; COSPCP11_A; COSPCP12_A; COSPCP13a_C; COSPCP13b_A; COSPLS02b_B; COSPMS01a_A; COSPMS01b_A; COSPSV03_D; COSPSV03_B; COSPSV03_C; COSPSV06_B; COSPUS10a_D; COSPUS16a_A; COSPUS16c_A; COSPUS16i_A; COSPUS16i_B; COUCYA08_B; COSPCH03_B; COSJLP07b_B; COSPCH04a_B; COSPSV03_E
	Retain on 4a List due to approved TMDL	2	COSPUS14_B; COSPBO02b_B

Table 4. Summary of Water Bodies Added, Removed and Retained on the 303(d) and M&E Lists by Analyte

Parameter	Action	# of Portions	Assessment Unit IDs
	Retain on M&E List	38	COARLA03a_A; COARLA07_A; COGULD04_B; COGULD05_B; COGULG04a_B; COGULG12_B; COGUSM10b_B; COGUUG16a_A; COGUUG16b_A; COGUUG17a_A; COGUUG17b_A; COGUNF04b_C; COLCLC10_A; COLCLC10_B; COLCLC14b_A; COLCLY22c_A; COSJAF13a_B; COSJDO11_B; COSJLP08_A; COSJLP08_B; COSJLP08_C; COSJLP08_D; COSJSJ01b_B; COSJSJ03_A; COSJSJ10_A; COSPBO08_B; COSPBT05_A; COSPCL17b_A; COSPCP08_A; COSPRE05_A; COLCWH16b_B; COSJPI06c_A; COUCNP04a_B; COUCYA13b_B; COSJLP08_E; COSJDO11a_A; COSJPI06a_C; COSJDO11b_A
<i>E. coli</i> (May-Oct)	Delist from 303(d)	1	COARFO06_A
	Retain on 303(d) List	1	COARFO02a_A
	Retain on M&E List	1	COLCLC04c_A
Dissolved Iron	Delist from M&E	4	COGUUG23_B; CORGCB02a_C; CORGCB02b_B; CORGAL02_B
	Moved from M&E to 303(d)	3	COGUUG15a_B; CORGRG02_B; COGUUG15b_A
	New listing on 303(d)	4	COARFO02a_A; COARFO02b_A; COGUNF06b_C; COSJAF09_A
	New listing on M&E	4	COGUUG01_A; COGUUG01_A; COGUUG01_B; COSJLP05_B
	Retain on 303(d) List	9	COARUA05_C; COGUUG29a_B; COSPBO02a_F; COSPCL02c_B; COUCEA05c_A; COUCNP04a_H; COUCUC10c_B; COUCUC10c_C; COUCUC12_D
	Retain on 4a List due to approved TMDL	11	COSJAF02_B; COSJAF03b_A; COSJAF04a_A; COSJAF07_A; COSJAF08_A; COSJAF09_A; COSPCL13b_A; COSPCL13b_B; COSPSV04b_B; COSPUS02c_C; COSJAF03a_B
	Retain on M&E List	20	COARUA38_B; COLCLC10_B; CORGAL02_C; CORGAL20_A; CORGRG38_C; CORGRG38_D; COSPBO02a_B; COSPBO14_B; COSPCL06_C; COSPCL12a_B; COSPCL14b_A; COSPCP07_C; COUCBL20_B; COUCNP03_A; COUCNP04a_B; COUCNP04a_F; COUCNP05b_A; COUCUC10c_A; COUCYA18_B; COSPCP07_B
Total Recoverable Iron	Delist from 303(d)	4	COGUUN04c_A; COGUUN04c_A; COGUUN07_A; COSJLP03c_A
	Delist from M&E	4	COARFO01a_B; COARMA11b_A; CORGAL10_A; COSJPI06c_A
	Moved from M&E to 303(d)	4	COARFO02a_A; COGUNF06b_B; COGUNF06b_C; CORGCB02b_B

Table 4. Summary of Water Bodies Added, Removed and Retained on the 303(d) and M&E Lists by Analyte

Parameter	Action	# of Portions	Assessment Unit IDs
Total Recoverable Iron	New listing on 303(d)	19	COARFO02b_A; COARLA01b_A; COARLA04a_A; COARLA04a_B; COARLA09b_A; COGULG02_A; COGULG04a_C; COGULG12_B; COGUNF04_C; COGUSM12b_G; COGUUG19_B; COGUUG31_A; COGUUN04a_B; COSJPI06a_A; COSJSJ06a_C; COSJSJ09a_A; COSJDO04b_A; COSJPI06a_C; COGUNF04b_C
	New listing on M&E	12	COSJLP08_C; COARMA04b_B; COGULD03a_B; COGULD05_A; COGUSM12b_F; COGUSM12b_H; COGUUN05_C; COSJLP08_A; COSJLP08_B; COSJLP08_E; CORGRG23a_C; COGUUN11_H
	Retain on 303(d) List	43	COARLA09a_B; COARMA10_A; COARMA14_A; COGULD05_B; COGULD02_D; COGULG14_B; COGUUG29a_B; COGUNF04b_B; COGUUN12_C; COLCLC04a_D; COLCLC14c_C; COLCLY03c_B; COLCWH13c_A; COLCWH13c_B; CORGAL13_A; CORGCB12a_A; CORGCB12a_B; CORGCB12a_C; CORGCB19_A; CORGRG02_B; COSJLP07a_C; COSPBO02a_F; COSPCL02c_B; COSPUS03_D; COUCNP04a_H; COUCUC07a_B; COUCYA03_D; COUCYA13d_A; COUCYA13d_B; COGUUN12_D; COSJLP08_D; COARLA09b_B; COSJLP07b_B; COGULD02_B; COGULD02_C; COGULD02_E; COGULG07b_C; COLCLC04a_B; COLCLC13b_A; COLCLC13b_B; COLCLC13b_C; COLCLC13b_D; COSPBD01_B
	Retain on 4a List due to approved TMDL	8	COGUUN03a_A; CORGAL08_A; COGUUN03b_A; COGUUN03c_A; COGUUN03d_A; COGUUN03e_B; COGUUN03e_C; COGUUN03f_A
	Retain on M&E List	34	COARFO05_A; COARLA09a_C; COARLA12_B; COGULD04_B; COGUNF06a_C; COGUSM07_B; COGUUG01_B; COGUUG15a_B; COLCLC04e_A; COLCLC10_B; COLCLC13a_B; COLCLC14b_A; COLCLC15a_A; COLCLC16_A; COLCLY03c_C; COLCLY22c_A; COLCWH07_B; CORGAL02_C; CORGAL12_A; CORGAL20_A; CORGCB03_C; CORGRG03_A; COSJPI08_A; COSPCL06_C; COSPUS01b_B; COSPUS03_E; COSPUS03_F; COSPUS03_G; COSPUS07_B; COSPUS11a_A; COSPUS23_E; COUCNP04a_E; COUCRF03b_B; CORGAL02_B
		1	COGULG04a_F
Fish Tissue Mercury	Delist due to approved TMDL	1	COSJLP11_B
	New listing on 303(d)	1	COSJLP11_A
	Retain on 303(d) List	14	COARLA15_B; COARMA26_B; COARUA40_A; COLCLC20_B; COSJPN03_A; COSJSJ08_B; COSPBT11_A; COSPCP14_A; COSPUS17a_D; COSPUS17a_E; COUCNP09_B; COUCYA22_B; COUCYA23_A; COSJLP11_C

Table 4. Summary of Water Bodies Added, Removed and Retained on the 303(d) and M&E Lists by Analyte

Parameter	Action	# of Portions	Assessment Unit IDs
	Retain on 4a List due to approved TMDL	3	COSJDO04b_B; CORGRG37_A; COSJDO04b_B
	Retain on M&E List	4	COARMA27_A; COSJSJ08_C; COSPBO18_A; COSPUS19_B
Dissolved Mercury	Retain on 303(d) List	1	COSPUS03_D
	Retain on M&E List	2	COSPUS03_F; COUCYA08_C
Dissolved Manganese	Delist from 303(d)	2	COARMA02_B; COSJAF04a_A
	Delist from M&E	11	COARLA04a_B; COARMA09_A; COARMA11b_A; COARMA18a_A; COARUA24_B; CORGCB02a_B; CORGCB02a_C; CORGCB02b_B; CORGCB02c_A; CORGCB09a_B; CORGRG04c_A
	Moved from M&E to 303(d)	7	COARLA09a_B; COARUA05_B; COGUNF06b_B; COGUSM06a_A; COGUUG15a_B; CORGRG02_B; COGUSM06a_A
	New listing on 303(d)	25	COARFO04_C; COARFO06_A; COARLA09a_A; COGULG02_A; COGULG12_B; COGUNF03_B; COGUNF03_C; COGUNF06b_C; COGUUG02_D; COGUUG19_B; COGUUG29a_F; COGUUN03a_A; COGUUN03b_A; COGUUN03c_A; COGUUN04b_A; COGUUN05_C; COGUUN05_E; CORGRG04b_B; CORGRG04b_C; CORGRG04b_D; COSJAF03a_A; COSJAF09_A; COGUUG29b_B; COARLA01a_A; COARLA09a_C
	New listing on M&E	7	COARFO04_B; COARUA04b_A; COGULG04a_E; COSJAF04b_A; COSJLP04a_E; COSJSJ06a_C; COSJDO04b_A
	Retain on 303(d) List	35	COARFO01a_B; COARLA01b_A; COARLA01c_A; COARMA06b_A; COARUA05_C; COGULG04a_D; COGUUG11_D; COGUUG29a_B; COGUUG29a_C; COGUUG32_A; COGUUN02_A; COLCLC14c_B; COLCLC14c_C; COSJAF05a_B; COSPCL02c_B; COSPCL02c_B; COSPCL02c_B; COSPCP07_C; COSPCP13a_B; COSPLS01_A; COSPMS01b_A; COSPSV05_B; COSPSV06_A; COSPSV06_B; COSPUS03_B; COSPUS05b_B; COUCBL02a_A; COUCBL02a_B; COUCBL06a_B; COUCNP04a_H; COUCUC07b_C; COUCUC12_D; COSJAF05a_C; COSPCP07_B; COUCBL06a_C
	Retain on 4a List due to approved TMDL	7	COSJLP04a_E; COSPCL13b_A; COSPCL13b_B; COSPSV04b_B; COSPUS02c_C; COSPUS05a_A; COUCBL07_A
Dissolved Manganese			

Table 4. Summary of Water Bodies Added, Removed and Retained on the 303(d) and M&E Lists by Analyte

Parameter	Action	# of Portions	Assessment Unit IDs
	Retain on M&E List	48	COARLA02a_A; COARLA05b_B; COARLA09b_A; COARLA09b_B; COARMA06a_A; COARUA38_B; COGUSM08_A; COGUUG17a_A; COGUUG17b_A; COGUUG29a_D; COGUUG29a_E; COLCLC02b_B; COLCLY03c_B; COLCLY06_A; COLCWH09b_A; COLCWH13b_B; CORGAL02_C; CORGAL20_A; CORGCB04_A; CORGCB12a_C; CORGRG05_B; CORGRG37_A; CORGRG38_C; CORGRG38_D; COSPBO02a_D; COSPBO14_B; COSPBT07_A; COSPCH01_A; COSPCL03b_A; COSPCL09b_A; COSPCL12a_A; COSPCL12a_B; COSPCL14b_A; COSPCL16a_A; COSPLA02a_A; COSPMS01a_A; COSPSV04a_B; COUCBL12_B; COUCNP04a_B; COUCNP04a_E; COUCNP04b_B; COUCNP05b_A; COUCUC07a_B; COUCYA02a_A; COUCYA03_D; COUCYA04_A; COUCBL12_C; CORGAL02_B
Ammonia	Delist from M&E	1	CORGAL03c_A
	New listing on 303(d)	1	COARMA04c_A
	Retain on 303(d) List	9	CORGCB19_A; COSPCL15_A; COSPMS07_B; COSPUS17a_B; COSPUS17a_F; COSPUS17a_G; COSPMS04_B; COSPMS07_C; COSPUS05c_B
	Retain on 4a List due to approved TMDL	6	COSPBO09_A; COSPBO09_B; COSPBO10_A; COSPSV03_B; COSPSV03_E; COUCUC06c_A
	Retain on 4b List due to 4b Plan	3	COSPUS15_B; COSPUS15_C; COSPUS15_D
	Retain on M&E List	2	COSPCL14b_A; COSPUS23_F
Dissolved Nickel	New listing on M&E	2	CORGAL07_B; CORGAL07_A
	Retain on 303(d) List	3	COSPCL02c_B; COSPCL02c_B; COSPCL12a_B
Nitrite	Delist from M&E	1	COARMA04a_A
	Retain on M&E List	2	COARMA04a_A; COLCLC02b_B
Nitrate	New listing on M&E	1	COGULD03a_B
	Retain on 4a List due to approved TMDL	1	COSPUS14_B
	Retain on 4b List due to 4b Plan	4	COSPUS15_B; COSPMS01a_A; COSPUS15_C; COSPUS15_D
Dissolved Lead	Add to M&E due to new segmentation	2	COSJLP04a_E; COSJLP04c_C
	Delist due to new segmentation	1	COSJLP04a_E
	Delist from M&E	12	COGUSM02_B; COGUSM02_C; COGUSM03b_A; COGUSM04a_B; COGUUG04_B; COGUUN04c_A; COGUUN09_C; COSJSJ09a_A; COSJSJ05_D; COSJSJ05_E; COSJSJ06a_C; COSJSJ06b_C
	Moved from 303(d) to M&E	1	COGUUG10a_A
	New listing on 303(d)	6	COGUUG07_B; COGUUN07_A; CORGRG04b_B; CORGRG04b_C; CORGRG04b_D; CORGRG04c_A

Table 4. Summary of Water Bodies Added, Removed and Retained on the 303(d) and M&E Lists by Analyte

Parameter	Action	# of Portions	Assessment Unit IDs
	New listing on M&E	6	COARUA05_B; COGUSM06b_A; COGUUN05_B; COGUUN05_C; COGUUN05_D; CORGRG06_B
	Retain on 303(d) List	10	COGUUG10b_A; COGUUG11_B; CORGRG04a_A; COSPBO02a_C; COSPBT16_B; COSPCL09a_B; COSPCP07_C; COSPRE01_A; COSPCP07_B; COSPCL12a_B
	Retain on 4a List due to approved TMDL	22	COARUA01b_A; COARUA05_D; COARUA08b_A; COARUA12a_A; CORGCB09a_A; CORGCB09a_B; COSJAF02_B; COSJAF03b_A; COSJAF07_A; COSJAF08_A; COSPCL02a_A; COSPCL02b_B; COSPCL02c_C; COSPCL03b_A; COSPCL09b_A; COSPCL11_A; COSPUS02b_A; COUCBL06a_B; COUCBL07_A; COARUA08a_A; COSPSV04b_B; COSJAF03a_B
	Retain on M&E List	14	COARUA05_C; COGULG07b_D; COGUUN02_A; COGUNF04b_B; COGUUN19_A; COLCLC04b_A; COLCLC13a_B; CORGRG05_B; COSJAF03c_A; COSJLP04a_C; COSJSJ06a_D; COSJSJ06a_C; COSJLP04a_F; COSJSJ06b_C
pH	Delist from 303(d)	1	COGUNF09_B
	Delist from M&E	3	COSJPI05a_B; CORGAL02_B; COSJSJ09a_A
	Moved from M&E to 303(d)	3	COGUUN07_A; COSJPI08_A; COGULG15_B
	New listing on 303(d)	2	COGUUN02_A; COGUUN03a_A
	New listing on M&E	2	COGUUG31_A; CORGAL07_A
	Retain on 303(d) List	25	COARUA10_A; COGUSM02_D; COGUUG29a_B; COGUUG29a_B; COGUUG29a_B; COLCWH11_B; CORGAL20_A; COSPBO10_A; COSPBT02_B; COSPCL09b_A; COSPLS03_D; COSPMS07_B; COSPSV05_B; COSPUS03_B; COSPUS04_C; COSPUS05b_B; COSPUS17a_B; COSPUS17a_C; COSPUS17a_E; COSPUS17a_F; COUCNP09_D; COSPUS04_E; COSPUS23_F; COSPUS23_G; COSPMS07_C
	Retain on 4a List due to approved TMDL	18	COARUA11_A; CORGAL03a_A; CORGAL03b_A; CORGAL03c_A; CORGAL03d_A; CORGAL05_A; COSJAF04a_A; COSJAF09_A; COSPBO04a_B; COSPSV04a_B; COSPSV04b_B; COUCBL06a_B; COUCBL07_A; COSPMS04_B; COSPMS04_A; COSPSV04a_A; CORGAL03b_B; COARUA12a_A
pH	Retain on M&E List	18	COGULG04a_E; COGULG14_B; COGUSM07_C; COGUUG10b_A; COGUUG10b_A; CORGAL02_C; CORGAL13_A; CORGAL25_A; CORGAL30_A; CORGRG05_B; CORGRG38_B; COSJSJ08_B; COSPCL12a_B; COSPCP09_A; COSPCP12_A; COSPLA02a_A; COSPUS01a_B; COSPUS11a_A
Dissolved Selenium	Delist due to new segmentation	1	COLCLC19_C
	Delist from 303(d)	2	COARMA18a_A; COARMA02_B

Table 4. Summary of Water Bodies Added, Removed and Retained on the 303(d) and M&E Lists by Analyte

Parameter	Action	# of Portions	Assessment Unit IDs
	Delist from M&E	5	COGULG07a_A; COGUUN11_J; CORGAL03b_B; COGUSM12a_F; COGUUN11_H
	Moved from M&E to 303(d)	1	COARFO04_C
	New listing on 303(d)	4	COARFO02b_A; COARMA02_A; COARMA09_A; COGUNF06b_A
	New listing on M&E	5	COARLA09a_C; COARMA06b_A; COARUA20b_A; COGUUN04a_B; COGULG16_D
	Retain on 303(d) List	53	COARFO04_B; COARLA01b_A; COARLA01c_A; COARLA04a_A; COARLA04a_B; COARLA09a_A; COARLA09a_B; COARLA09b_A; COARLA09b_B; COARLA10_B; COARLA10_C; COARLA11_A; COARLA12_A; COARLA12_B; COARMA03_A; COARMA10_A; COARMA12_A; COGUUG29a_B; COGUUG29a_B; COGUUN20_A; COLCLC14c_B; COLCLC19_B; COLCLY03c_C; COLCWH09d_A; COSPBO08_B; COSPBT04b_A; COSPBT05_A; COSPBT09_A; COSPCH04b_B; COSPCP13b_A; COSPLS02b_B; COSPLS03_B; COSPUS16a_A; COSPUS16c_A; COUCUC07a_B; COUCYA13e_B; COLCLC04a_C; COSJLP08_B; COGULG07b_C; COLCLC04a_A; COLCLC04a_B; COLCLC04a_C; COLCLC04a_D; COLCLC13b_A; COLCLC13b_B; COLCLC13b_C; COLCLC13b_D; COSPBO07b_B; COUCYA13h_A; COSPCH04a_B; COSPCL12a_B; COSPLS01_A; COSPSV06_B
	Retain on 4a List due to approved TMDL	41	COGULG04a_F; COGUUN04c_A; COGULG01_C; COGULG02_A; COGULG04a_I; COGULG04a_I; COGULG04a_I; COGULG04a_B; COGULG04a_B; COGULG04a_C; COGULG04a_C; COGULG04a_D; COGULG04a_D; COGULG04a_D; COGULG04a_E; COGULG04a_E; COGULG04a_E; COGULG04b_B; COGULG04b_B; COGULG04b_B; COGULG04c_A; COGULG04c_A; COGULG04c_A; COGUNF03_C; COGUNF05a_C; COGUNF06b_B; COGUNF06b_D; COGUNF06b_E; COGUUN04b_A; COGUUN12_E; COGUUN12_F; COGUUN12_C; COGUNF06b_F; COGUUN12_D; COGUUN12_E; COGUUN12_F; COGUUN12_C; COGUNF05b_B; COGULG02_B
	Retain on M&E List	17	COGULD03a_B; COGULG16_B; COGUNF06a_B; COGUSM12a_B; COGUNF04b_B; COLCLC03_A; COLCLC04e_A; COLCLC13a_B; COLCLY03c_B; COLCLY03e_A; COSPLS03_C; COSPRE05_A; COGUUN10a_B; COSPUS01b_C; COSPUS07_B; COUCEA10a_B; COUCYA13j_A
	Delist from M&E	2	COUCEA09b_B; COUCEA09b_C
	New listing on 303(d)	1	CORGRG09_C

Table 4. Summary of Water Bodies Added, Removed and Retained on the 303(d) and M&E Lists by Analyte

Parameter	Action	# of Portions	Assessment Unit IDs
Sediment	Retain on 303(d) but extent of listing refined	1	COUCEA06_H
	Retain on 303(d) List	14	COLCLC13b_B; COLCWH22_B; COLCWH23_B; CORGCB12a_B; COSPCL14b_A; COSPCL15_A; COUCEA06_G; COUCEA09a_B; COUCNP04a_I; COUCYA03_B; COLCWH13b_A; COLCWH13b_B; COLCWH13b_C; COLCWH13b_D
	Retain on 4a List due to approved TMDL	7	COSPUS01a_C; COSPUS01a_E; COGUSM03b_A; COSJLP04a_D; COSPCP07_C; COSPUS01a_A; COUCBL18_B
	Retain on M&E List	20	COARLA07_A; COGULG02_A; COGULG11b_B; COGUUN04a_C; COGUUN04b_A; COGUUN04c_A; COGUUN15b_A; COLCLC01_A; COLCLC01_B; COLCLC02a_A; COLCLC02b_A; COLCLC02b_B; COLCLY16_A; CORGRG13_A; COSJPI06c_A; COUCEA09a_A; COUCYA13b_A; COUCYA13b_B; COGUUN04a_B; COSJPI06a_C
Sulfate	Delist from 303(d)	1	COSJPI06a_C
	Delist from M&E	5	COGULG04a_B; COGULG04b_B; COSJPI06c_A; COGUUN11_D; COGUUN10a_C
	Moved from M&E to 303(d)	6	COARLA09b_A; COARMA06b_A; COARMA18a_A; COGULG04a_C; COGULG04a_F; COGUNF06b_B
	New listing on 303(d)	13	COARFO02b_A; COARFO04_B; COARFO04_C; COARLA01c_A; COGULG02_A; COGULG12_B; COGUUN04b_A; COSJLP08_A; COSJLP08_B; COSJLP08_C; COSJLP08_D; COSJLP08_E; COARLA01a_A
	New listing on M&E	5	COARLA09a_C; COARUA20b_A; COGULD03a_B; COGUUN04a_B; COSJLP05_B
	Retain on 303(d) List	9	COARLA04a_A; COARLA04a_B; COGULG04a_D; COGUNF06b_C; COLCLY03c_B; COLCLY03c_C; COSPBT08_B; COSPCP13a_B; COUCUC07a_B
	Retain on M&E List	17	COARLA02a_A; COARLA09a_B; COARLA09b_B; COARMA06a_A; COLCLC02b_B; COLCLC04a_A; COLCLC04a_B; COLCLC04a_D; COLCLC10_B; COLCLY03e_A; COLCLY06_A; COLCWH09b_A; COLCWH13b_C; COSPCL06_C; COSPCL12a_B; COSPLS01_A; COLCLC04a_C
Temperature	Delist due to new segmentation	6	COSJLP04a_A; COSJLP04a_E; COSJLP04a_C; COSJLP04a_D; COSJLP04a_F; COSJLP04a_B
	Delist from 303(d)	3	COGULD02_D; COGUSM12b_G; COGULD02_E
	Delist from M&E	20	COARMA07b_A; COGUSM12b_C; CORGCB12a_A; CORGCB12a_B; CORGCB12a_C; COSJSJ06b_B; COSJSJ06a_C; COSJSJ06b_B; COGUSM10_B; COGUSM12b_A; COSJSJ06b_B; COSJSJ06a_C; COGUSM12b_D; COGUSM12b_F; COGUSM12c_A; COSJSJ06b_C; COGULG08_C; COGULG08_D; COGUSM12b_H; COSJSJ06b_C

Table 4. Summary of Water Bodies Added, Removed and Retained on the 303(d) and M&E Lists by Analyte

Parameter	Action	# of Portions	Assessment Unit IDs
Temperature	New listing on 303(d)	6	COARFO02a_A; COARFO02b_A; COGUUG18b_A; COARMA26_C; COGULD02_B; COGULD02_C
	New listing on M&E	17	COARLA01a_A; COARLA01b_A; COARLA01c_A; COARLA02a_A; COARUA14c_B; COGUNF03_B; COGUNF03_C; COGUNF04_C; COGUSM03b_A; COGUSM14_B; COGUUG02_D; COGUUG09_C; COGUUG23_A; COGUUG23_B; COGUUN03e_A; COGUUN11_G; COSJDO11b_A
	Retain on 303(d) List	44	COARLA03a_A; COARMA02_A; COARMA02_B; COGUUG08_A; COLCLC01_A; COLCLC01_B; COLCWH07_A; COLCWH07_B; COLCWH23_A; COLCWH23_B; COLCWH23_C; CORGRG04b_A; CORGRG04b_B; COSPBE01a_B; COSPBE01e_A; COSPBE01e_B; COSPBE03_B; COSPBT02_D; COSPCL11_A; COSPCL15_A; COSPSV02b_A; COSPSV02b_B; COSPUS03_H; COUCBL17_B; COUCRF03c_A; COUCUC02_B; COUCUC02_C; COUCUC03_C; COUCUC03_D; COUCUC03_E; COUCUC07a_C; COUCUC07b_B; COUCUC07b_C; COUCUC10a_B; COUCYA02b_A; CORGRG04b_C; CORGRG04b_D; COLCWH15_C; COSPCL14a_B; COSPCL14a_A; COLCWH13c_B; COSPBE01b_A; COSPCL13b_B; COSPCP10b_A
	Retain on M&E List	32	COARLA05b_A; COARLA05b_B; COARLA06a_C; COARLA06a_D; COARLA06b_A; COARUA04a_A; COGULG08a_A; COGULG08b_A; COLCLC04a_A; COLCLC04a_B; COLCLC04a_D; CORGAL11b_A; COSJPI05a_B; COSJSJ10_A; COSPBE06a_B; COSPBE06b_A; COSPBT08_A; COSPBT08_B; COSPCL14b_A; COSPCL17b_A; COSJPI05a_A; COSPUS03_B; COSPUS10a_D; COSPUS15_B; COSPUS16g_A; COUCYA13e_A; COSPUS02a_B; COSPUS15_C; COSPUS15_D; COLCLC04a_C; COSJPI05b_A; COSJSJ04a_B
Total Phosphorus	Delist from M&E	10	CORGCB02a_C; CORGCB02b_B; CORGCB12a_A; CORGCB12a_B; CORGCB12a_C; CORGRG11_A; CORGRG19_A; CORGRG20a_C; CORGRG20b_A; CORGRG20a_B
	New listing on M&E	1	COARUA14d_B
	Retain on 303(d) List	1	COSPBE01c_A
	Retain on M&E List	7	COLCLC04a_A; COLCLC04a_B; COLCLC04a_D; CORGCB02a_B; CORGCB02c_A; COLCLC04a_C; COARUA35_A
Total Uranium	Delist from 303(d)	1	COARMA18a_A
	Moved from M&E to 303(d)	1	COARFO01a_B
	New listing on M&E	1	COARLA09a_B
	Retain on 303(d) List	2	COARLA01c_A; COSPLS01_A

Table 4. Summary of Water Bodies Added, Removed and Retained on the 303(d) and M&E Lists by Analyte

Parameter	Action	# of Portions	Assessment Unit IDs
Zinc (sculpin)	Retain on 4a List due to approved TMDL	1	COGUUN06a_A
Dissolved Zinc	Delist due to new segmentation	1	COGULG15_B
	Delist from 303(d)	5	COARMA18a_A; COARUA05_B; COARUA05_C; COGUNF09_B; COGUSM02_B
	Delist from M&E	1	COSJPI08_A
	Moved from M&E to 303(d)	1	COGUUN08_A
	New listing on 303(d)	11	COARFO01b_A; COARFO09_B; COARUA05_A; COGUUN03a_A; COGUUN05_B; COGUUN05_C; COGUUN05_E; COGUUN07_A; COGUUN09_C; CORGRG04c_A; COGUNF04c_A
	New listing on M&E	2	CORGRG06_B; COSJAF03a_A
	Retain on 303(d) List	25	COGUUG07_B; COGUUG08_A; COGUUG10a_A; COGUUG10b_A; COGUUG11_B; COGUUG11_D; COGUUG12_C; COGUUG29a_B; COGUUG29a_B; COGUUN09_B; CORGRG09_B; COSPCL02b_B; COSPCL02c_B; COUCBL02a_B; COUCBL04a_B; COUCBL12_B; COUCYA03_E; COUCBL06a_B; COSPCL02b_C; COSPUS02c_A; COUCBL12_C; COUCBL06a_C; COSJAF03c_A; COSPCL12a_A; COSPCL12a_B
	Retain on 4a List due to approved TMDL	57	COARUA01b_A; COARUA02b_A; COARUA02c_A; COARUA03_A; COARUA04a_A; COARUA07_A; COARUA08b_A; COARUA11_A; COARUA12a_A; COGUSM03a_A; COGUSM03b_A; COGUSM06a_A; COGUSM06b_A; COGUUG30_B; COGUUG31_A; COGUUN02_A; CORGAL03a_A; CORGAL03b_A; CORGAL03c_A; CORGAL03d_A; CORGCB09b_A; CORGCB09b_B; CORGRG04a_A; CORGRG04b_A; CORGRG04b_D; COSJAF04a_A; COSJAF04b_A; COSJAF09_A; COSJDO09_A; COSPBO04a_B; COSPCL02a_A; COSPCL02c_C; COSPCL03a_A; COSPCL03b_A; COSPCL09b_A; COSPCL11_A; COSPCL13b_A; COSPCL13b_B; COSPSV04a_B; COSPSV04b_B; COSPUS02b_A; COSPUS02c_C; COSPUS05a_A; COSPUS05b_A; COSPUS05b_B; COUCBL07_A; COUCEA05a_A; COUCEA05b_A; COUCEA05c_A; COUCEA07b_A; COARUA08a_A; COSPSV04a_A; CORGAL03b_B; COSPCL03a_B; COSPCL03a_C; CORGRG04b_B; CORGRG04b_C
	Retain on M&E List	14	COGULG14_B; COGUNF07_B; COGUUG29a_C; COGUUG29a_D; COGUUG29a_E; COGUUN19_A; COLCLY07_A; CORGAL20_A; CORGCB12a_C; CORGRG05_B; COSJAF22_B; COSPCL06_C; COUCBL04a_C; COUCYA08_C
Dissolved Zinc			

11. Site-specific decisions made by the commission are discussed below.

Permanent Rules Adopted

Department

Department of Revenue

Agency

Taxpayer Service Division - Tax Group

CCR number

1 CCR 201-2

Rule title

1 CCR 201-2 INCOME TAX 1 - eff 09/14/2017

Effective date

09/14/2017

APPORTIONMENT OF INCOME ON A COMBINED REPORT OR CONSOLIDATED RETURN

RULE 39-22-303(11)(C)

Basis and Purpose

The basis for this rule is § 39-21-112(1), § 39-22-301, § 39-22-303, and § 39-22-305, C.R.S. The purpose of this rule is to clarify how an affiliated group of C corporations apportion their income when included in a combined report or consolidated return.

- (1) The provisions of this rule apply for income tax years beginning on or after January 1, 2009. The provisions of Regulation 39-22-303-11(c), as it existed prior to January 1, 2009, apply to income tax years beginning prior to January 1, 2009.
- (2) When filing a combined report, the affiliated group of C corporations shall file one return, apportioning income under the provisions of either § 39-22-303.5 C.R.S. or § 39-22-303.7 C.R.S., and summing the numerators of each affiliated C corporation doing business in Colorado to derive a single apportionment factor for the combined group.
 - (a) In making any calculation pursuant to this rule, including calculations of income, gross sales, apportionment, or *de minimis* determinations, all intercompany transactions shall be eliminated before making any such calculation.
 - (b) Example: Corporations A, B, and C are an affiliated group of C corporations meeting three of the six tests in § 39-22-303(11), C.R.S. Corporations A and B are doing business in Colorado under Department Rule 1 CCR 201-2, 39-22-301.1 and C is not. The Colorado sales factors of the three corporations are as follows:

	Colorado Sales	Total Sales
Corporation A	\$5,160,118	\$7,652,492
Corporation B	\$1,642,720	\$80,009,652
Corporation C	\$183,290	\$814,005

The combined sales factor would be as follows:

$$\text{Colorado sales (A+B)} = \$6,802,838$$

$$\text{Total sales (A+B+C)} = \$88,476,149 \text{ (Assumes no intercompany transactions.)}$$

$$\text{Combined Sales Factor (Colorado Sales divided by Total Sales)} = 7.6889\%$$

The 7.6889% sales factor is applied to the combined modified federal taxable income (after elimination of intercompany transactions) of the affiliated group to determine the Colorado taxable income to be reported on the combined report.

- (3) **Taxpayers Subject to Multiple Apportionment Methodologies.** A taxpayer or an affiliated group of C corporations that must file a combined report, or that elects to file a Colorado consolidated income tax return, may be engaged in two or more distinctly different commercial activities. -Each activity may require the use of different apportionment methodologies described in Department Income Tax Rules 39-22-303.5 (regular apportionment of business income) and Special Income Rules for Allocation and Apportionment of Corporate Income 1A to 8A (e.g., single-factor apportionment and special apportionment for financial institutions). See also Department Rule 39-22-303.5.7(A).

(a) *De Minimis Activities.*

- (i) When the sum of the gross sales of one commercial activity that requires the use of a different apportionment methodology amounts to less than one percent of the taxpayer's total gross sales, such commercial activity is conclusively *de minimis* and the taxpayer shall apportion the income from the *de minimis* activity in the same ratio that it apportions its gross sales pursuant to the sales factor for the remainder of the commercial activity.
- (ii) When the sum of the gross sales of one commercial activity that requires the use of a different apportionment methodology amounts to less than five percent of the taxpayer's total gross sales, such commercial activity may be *de minimis* depending on the facts. If such commercial activity is considered *de minimis*, the taxpayer shall apportion its income in the manner described in paragraph (3)(a)(i) of this rule.

(b) *Commercial Activities that are Not De Minimis.* If multiple activities give rise to gross sales that are not *de minimis*, the taxpayer(s) shall use the apportionment methodology most applicable to each commercial activity to separately allocate and apportion Colorado income for all of such commercial activity. The Colorado taxable income for each commercial activity shall be computed on a separate apportionment schedule. Such Colorado taxable incomes shall then be combined and any net operating loss carryforward applied. Any tax and credits shall then be computed on a combined basis. -

- (i) *Example 1.* Corporation A and corporation B are an affiliated group of C corporations that are required to file a combined report under Department Regulation 39-22-303.11(A). Corporation A engages in trucking and Corporation B engages in retail sales of tangible personal property. Corporation A derives all of its income from sales of transportation services to Corporation B. Corporation A and Corporation B have distinctly different commercial activities; however, Corporation A does not derive income from sources outside its affiliate (Corporation B). Corporation A and Corporation B apportion their taxable income pursuant to § 39-22-303.5 C.R.S., which is applicable to retail sales. Special Regulation 6A, regarding the apportionment of trucking income, is not used to apportion Corporation A's income because all of Corporation A's revenues are excluded from the apportionment calculation because they are derived from intercompany transactions.
- (ii) *Example 2.* Same facts as prior example, except corporation A derives \$2 million from sales of transportation services to third-parties who are not part of the affiliated group. Corporation B makes \$20 million in sales of its goods to consumers. Total sales of the affiliated group are \$22 million. Corporation A must use Special Regulation 6A, prescribing apportionment of income for trucking companies, and corporation B must apportion its income pursuant to § 39-22-303.5, C.R.S. Corporation A and Corporation B must separately calculate their sales factors using the appropriate methodologies. Each corporation must also

calculate separate taxable income for each commercial activity and use the appropriate sales factor to calculate Colorado taxable income. The combined group then calculates tax and applies any credits generated.

Cross Reference(s)

1. For additional information on doing business in Colorado, see Department Rule 1 CCR 201-2, 39-22-301.1.
2. For information on which members of an affiliated group must be included in a combined report see Department Rule 1 CR 201-2, 39-22-303(11)(a).

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Tracking number: 2017-00144

Opinion of the Attorney General rendered in connection with the rules adopted by the

Taxpayer Service Division - Tax Group

on 07/26/2017

1 CCR 201-2

INCOME TAX

The above-referenced rules were submitted to this office on 08/01/2017 as required by section 24-4-103, C.R.S. This office has reviewed them and finds no apparent constitutional or legal deficiency in their form or substance.

August 14, 2017 11:56:19

Cynthia H. Coffman
Attorney General
by Frederick R. Yarger
Solicitor General

Permanent Rules Adopted

Department

Department of Revenue

Agency

Taxpayer Service Division - Tax Group

CCR number

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Rule title

1 CCR 201-2 INCOME TAX 1 - eff 09/14/2017

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09/14/2017

INNOVATIVE MOTOR VEHICLE AND INNOVATIVE TRUCK CREDITS

RULE 39-22-516

Basis and Purpose

The basis for this rule is § 39-21-112(1), C.R.S. and § 39-22-516.7 and 516.8, C.R.S. The purpose of this rule is to provide clarification regarding the innovative motor vehicle and innovative truck credits, the conditions necessary to qualify for the credit, and the process for assigning the credit.

- (1) **Application.** This rule applies for tax years commencing on or after January 1, 2017 to both the innovative motor vehicle credit authorized by § 39-22-516.7, C.R.S. and the innovative truck credit authorized by § 39-22-516.8, C.R.S. (collectively referred to as the "Credit").
- (2) **Definitions.** As used in this rule, unless context otherwise requires:
 - (a) "Date of Purchase, Lease, or Modification" means the date the Purchaser enters into a legally binding agreement to purchase, lease, or Modify a motor vehicle, truck, or trailer, provided the Purchaser takes possession of the new or Modified motor vehicle, truck, trailer, within 10 days of this date. If the Purchaser does not take possession of the new or Modified motor vehicle, truck, or trailer within 10 days of the execution of the legally binding agreement, the "Date of Purchase, Lease, or Modification" is the date the Purchaser takes possession of the new or Modified motor vehicle, truck, or trailer.
 - (b) "Financing Entity" has the same meaning as in §§ 39-22-516.7(1)(k.5) and 516.8(1)(r.5), C.R.S.
 - (c) "Modification" means a Qualifying Conversion, the installation of a Qualifying Device, or the conversion of a trailer into a Qualifying Trailer. "Modify" means to convert or alter a motor vehicle, truck, or trailer with a Modification.
 - (d) "New vehicle" means a motor vehicle or truck being transferred for the first time from a manufacturer or importer, or dealer or agent of a manufacturer or importer, to the end user or customer. A motor vehicle or truck that has been used by a dealer for the purpose of demonstration to prospective customers is considered a "New Vehicle" unless such demonstration use has been for more than one thousand five hundred miles. Any motor vehicle or truck that has been titled and registered in Colorado or any other state or jurisdiction prior to purchase or lease is not a "New Vehicle."
 - (e) "Person" has the same meaning as in § 39-21-101(3), C.R.S.
 - (f) "Purchaser" means any Person that:
 - (i) Purchases or leases a Qualifying Vehicle or Qualifying Trailer; or
 - (ii) Modifies a motor vehicle, truck, or trailer that said Person owns or is in the process of purchasing.
 - (g)
 - (i) "Qualifying Conversion" means, with respect to a motor vehicle or truck that is titled and registered in accordance with paragraph (5) of this rule:

- (A) The conversion of the motor vehicle into an “electric motor vehicle” or “plug-in hybrid electric motor vehicle” as those terms are defined in § 39-22-516.7(1)(k), C.R.S.;
 - (B) The conversion of the truck into an “electric truck” or “plug-in hybrid electric truck” as those terms are defined in § 39-22-516.8(1)(r), C.R.S.;
 - (C) A “compressed natural gas or liquefied petroleum gas conversion” as defined in §39-22-516.8(1)(g), C.R.S.;
 - (D) A “liquefied natural gas or hydrogen conversion” as defined in § 39-22-516.8(1)(i), C.R.S.; or
 - (E) The conversion of a truck with a gross vehicle weight rating of fourteen thousand pounds or greater into a “hydraulic hybrid truck” as defined in § 39-22-516.8(1)(v), C.R.S.
- (ii) For the purpose of paragraphs (2)(g)(i)(C) and (D) of this rule and §§ 39-22-516.8(1)(g) and (i), C.R.S., the term “conversion” means any alteration of a motor vehicle/engine, its fueling system, or the integration of these systems, that allows the vehicle/engine to operate on a fuel or power source different from the fuel or power source for which the vehicle/engine was originally certified by the Environmental Protection Agency. For the purpose of paragraphs (2)(g)(i)(C) and (D) of this rule and §§ 39-22-516.8(1)(g) and (i), C.R.S., the term “conversion” shall be construed in a manner consistent with 40 C.F.R. Part 85.
- (h) “Qualifying Device” means “aerodynamic technologies” or “idling reduction technologies” as defined in §§ 39-22-516.8(1)(b) or (w), C.R.S., respectively, installed on or in a truck that is titled and registered in accordance with paragraph (5) of this rule.
- (i) “Qualifying Trailer” means a clean fuel refrigerated trailer as defined in § 39-22-516.8(1)(q), C.R.S. that is titled and registered in accordance with paragraph (5) of this rule.
- (j)
- (i) “Qualifying Vehicle” means a New Vehicle that is titled and registered in accordance with paragraph (5) of this rule and that is:
- (A) An “electric motor vehicle” or “plug in hybrid electric motor vehicle” as those terms are defined in § 39-22-516.7(1)(k), C.R.S.;
 - (B) An “electric truck” or “plug-in hybrid electric truck” as those terms are defined in § 39-22-516.8(1)(r), C.R.S.;
 - (C) An “original equipment manufacturer truck that is equipped to operate on compressed natural gas or liquefied petroleum gas” as defined in §39-22-516.8(1)(f), C.R.S.; or
 - (D) An “original equipment manufacturer truck that is equipped to operate on liquefied natural gas or hydrogen” as defined in § 39-22-516.8(1)(h), C.R.S.
- (ii) For the purpose of paragraphs (2)(j)(i)(C) and (D) of this rule and §§ 39-22-516.8(1)(f) and (h), C.R.S., the term “original equipment manufacturer” includes

only the equipment covered by the original certification issued by the Environmental Protection Agency for the motor vehicle or truck. For the purpose of paragraphs (2)(j)(i)(C) and (D) of this rule and §§ 39-22-516.8(1)(f) and (h), C.R.S., the term "original equipment manufacturer" shall be construed in a manner consistent with 40 C.F.R. Part 85.

(3) **Qualifying Purchases, Leases, and Modifications.**

- (a) The Credit is allowed to any Person that, in accordance with this rule and §§ 39-22-516.7 or 516.8, C.R.S.:
 - (i) Purchases or leases a Qualifying Vehicle;
 - (ii) Modifies a motor vehicle, truck, or trailer that said Person owns or is in the process of purchasing; or
 - (iii) Is a Financing Entity that accepts assignment of a Credit during the tax year pursuant to paragraph (11) of this rule.
- (b) The Credit may not be claimed by the State of Colorado or any political subdivision thereof.

(4) **Nonqualifying Purchases, Leases, and Modifications.** No credit is allowed for:

- (a) The purchase or lease of any used motor vehicle or truck;
- (b) The purchase or lease of any motor vehicle or truck previously titled and registered in Colorado, another state, or any other jurisdiction;
- (c) Any motorcycle or other motor vehicle or truck designed to travel with three or fewer wheels in contact with the ground; or
- (d) Any compressed natural gas, liquefied petroleum gas, liquefied natural gas, or hydrogen conversions that are not certified by the environmental protection agency pursuant to 40 C.F.R. Parts 85 and 86.

(5) **Titling and Registration.** The Credit is allowed only with respect to motor vehicles, trucks, and trailers the Purchaser titles and registers in Colorado in accordance with § 42-3-103, C.R.S. or, in the case of trucks and trailers registered under the international registration plan, base plated in Colorado. For the purpose of this rule, a motor vehicle, truck, or trailer with an active "Temporary Registration Permit" as defined in 1 CCR 204-10, Rule 34, 1.3 is not considered registered in Colorado.

- (a) *Purchases and leases of New Vehicles and trailers.* The purchase or lease of a motor vehicle, truck, or trailer qualifies for the Credit only if the Purchaser titles and registers the motor vehicle, truck, or trailer in accordance with this paragraph (5) in the time and manner prescribed by law. The purchase or lease of any motor vehicle or truck that was registered in any other state or jurisdiction prior to being registered in accordance with this paragraph (5) does not qualify for the credit.
- (b) *Modifications of New Vehicles.* The Modification of a New Vehicle qualifies for the Credit only if the Purchaser titles and registers the New Vehicle in accordance with this paragraph (5) in the time and manner prescribed by law.

- (c) *Modification of motor vehicles, trucks, and trailers that are not New Vehicles.* The Modification of a motor vehicle, truck, or trailer that is not a New Vehicle qualifies for the Credit only if, at the time of Modification, the Purchaser has titled and registered the motor vehicle, truck, or trailer in accordance with this paragraph (5).
- (6) **Leases.**
 - (a) Except as otherwise provided in this rule, the Credit allowed for the lease of a Qualifying Vehicle or Qualifying Trailer is allowed to the lessee and not to the lessor.
 - (b) In order to qualify for the Credit a lease must be for a term of at least two years.
 - (c) Except as provided in paragraph (6)(c)(i) of this rule, if a lessee enters into a bona fide lease agreement of not less than two years, but terminates the lease early, such early termination will not abrogate the lessee's right to any allowable Credit or require any recapture of the allowable Credit claimed for the lease.
 - (i) In the case of the early termination of a lease for a Qualifying Trailer, the Purchaser must report and repay the credit recapture amount with the Purchaser's income tax return for the tax year in which the lease is terminated. The credit recapture amount is equal to the difference between the amount of the original Credit claim and the amount of the Credit recalculated based upon the actual cost incurred for the lease prior to its termination.
- (7) **Multiple Purchasers, Lessors, and Owners.** In the case of a vehicle owned, purchased, or leased jointly by multiple Purchasers or by a partnership, S corporation, or other similar pass-through entity, the Credit allowable for the purchase, lease, or Modification may be allocated to the respective owners, partners, or shareholders in any manner they elect. The aggregate amount of the Credit allocated to such owners, partners, members, or shareholders for the purchase, lease, or Modification cannot exceed the Credit amount allowed by law for a single purchase, lease, or Modification.
- (8) **Tax Year of Credit.**
 - (a) The Credit is allowed only for the tax year that includes the Date of Purchase, Lease, or Modification.
 - (b) In the case of assignment under paragraph (11) of this rule, the Financing Entity to which the Credit is assigned shall claim the assigned credit on the Financing Entity's tax return for the tax year that contains the Date of Purchase, Lease, or Modification.
- (9) **Prohibition on Multiple Credits for Motor Vehicle, Truck, or Trailer.**
 - (a) Except as provided in § 39-22-516.7(5), C.R.S. and paragraph (9)(b) of this rule, no more than one Credit is allowed for the same motor vehicle, truck, or trailer, including for any conversion thereof.
 - (b) The limitation in paragraph (9)(a) of this rule shall not preclude the allowance of separate credits for multiple Qualifying Devices installed on or in the same truck.
- (10) **Credits for Qualifying Trailers and Qualifying Devices.**
 - (a) The Credit allowed for a Qualifying Trailer or a Qualifying Device is a percentage, as set forth in § 39-22-516.8, C.R.S., of the actual cost incurred by the Purchaser.

- (i) The actual cost incurred for the purpose of calculating the Credit for a Qualifying Device or for the purchase or conversion of a Qualifying Trailer, is defined under § 39-22-516.8(1)(a)(I), C.R.S. and is exclusive of any tax, titling and registration fees, or any other fees or charges extraneous to the direct cost of the Qualifying Device and installation thereof or for the purchase or conversion of the Qualifying Trailer.
- (ii) The actual cost incurred for the purpose of calculating the credit for the lease of a Qualifying Trailer, is defined under § 39-22-516.8(1)(a)(II), C.R.S.
- (b) The Credit(s) a Person may claim for one or more Qualifying Trailers or Qualifying Devices during the same tax year is subject to the limitations set forth in the table below.

	Limit per trailer or device	Limit per Person per tax year
Purchase or lease of Qualifying Trailer	\$7,500	None
Conversion to Qualifying Trailer	\$7,500	None
Aerodynamic technologies	\$6,000	\$50,000
Idling reduction technologies	\$6,000	\$6,000

(11) **Assignment of the Credit.**

- (a) A Purchaser who obtains financing for the purchase or lease of a Qualifying Vehicle or Qualifying Conversion may, by mutual agreement with the entity financing the purchase, lease, or conversion, assign the Credit to the Financing Entity.
- (b) For a Credit assigned under this paragraph (11) of this rule, the Financing Entity must compensate the Taxpayer for the full amount of the assigned Credit, less an administrative fee not to exceed one hundred fifty dollars that the Financing Entity may retain. Compensation must be made in the form of a cash payment, a reduction in the cash price, a capitalized cost reduction, or some similar consideration and must be reflected in the loan or lease agreement for the Qualifying Vehicle or Qualifying Conversion. Such compensation must be made effective on the date the election statement to assign the credit is executed and not applied at any subsequent date.
- (c) In order to assign the Credit the Purchaser and Financing Entity must execute an election statement on the Date of Purchase, Lease, or Modification.
 - (i) The election statement must be executed using forms prescribed by the Department. The Financing Entity must retain a copy of the election statement in its records as prescribed in § 39-21-113, C.R.S.
 - (ii) Within 30 days of its execution, the Financing Entity must submit the information contained in the election statement to the Department in the electronic form the Department prescribes.
 - (A) If the Financing Entity fails to submit such information electronically within 30 days, and the Purchaser files a return claiming the Credit, in a manner consistent with statute and regulation, the Credit will be allowed to the Purchaser and no Credit will be allowed to the Financing Entity. If

the Financing Entity fails to submit such information electronically within 30 days, but electronically submits the required information prior to the filing of the Purchaser's return, the Credit will be allowed to the Financing Entity.

- (d) The Financing Entity must file an income tax return for the tax year containing the Date of Purchase, Lease, or Modification in order to claim the assigned Credit. If the Financing Entity is included in a combined or consolidated return, the assigned Credit must be claimed on such combined or consolidated return. A copy of the election statement assigning the Credit must be submitted with the return. The Department shall not issue a refund for the assigned Credit to the Financing Entity prior to the filing of the Financing Entity's income tax return claiming the Credit.
 - (i) Irrespective of the Financing Entity's tax year, the amount of the Credit allowed is determined by the Purchaser's tax year that includes the Date of Purchase, Lease, or Modification.
- (e) Any Credit assigned to a Financing Entity cannot be subsequently assigned to any other party, entity, or taxpayer. Only a Purchaser can assign a Credit to a Financing Entity. A Financing Entity can accept assignment of the Credit only from a Purchaser.
- (f) A Credit will not be allowed to any Financing Entity for any motor vehicle, truck, or conversion that is not a Qualifying Vehicle or Qualifying Conversion, the execution of any election statement notwithstanding. A Credit will not be allowed to any Financing Entity for a motor vehicle or truck that is not titled and registered in accordance with paragraph (5) of this rule.
- (g) The Financing Entity may authorize an agent or designee to act on its behalf to perform all functions appertaining to the assignment of the Credit.
- (h) If assignment of the Credit has been made in full compliance with the provisions of this rule and §§ 39-22-516.7 or 516.8, as applicable, the Purchaser surrenders any right to claim the Credit. Any duly assigned Credit will not be considered either a payment or an overpayment of the Purchaser's tax and will not be applied pursuant to § 39-21-108(3), C.R.S., toward any tax liability or deficiency the Purchaser owes

Cross Reference(s)

1. Form DR 0618 – Innovative Motor Vehicle Credit - Election Statement.
2. Form DR 0617 – Innovative Motor Vehicle Credit and Innovative Truck Credit form.
3. See §§ 39-22-516.7 and 516.8, C.R.S. for the innovative motor vehicle credit and the innovative truck credit, respectively, for tax years commencing prior to January 1, 2017.

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Office of the Attorney General

Tracking number: 2017-00146

Opinion of the Attorney General rendered in connection with the rules adopted by the

Taxpayer Service Division - Tax Group

on 07/26/2017

1 CCR 201-2

INCOME TAX

The above-referenced rules were submitted to this office on 08/01/2017 as required by section 24-4-103, C.R.S. This office has reviewed them and finds no apparent constitutional or legal deficiency in their form or substance.

August 14, 2017 11:58:56

Cynthia H. Coffman
Attorney General
by Frederick R. Yarger
Solicitor General

Permanent Rules Adopted

Department

Department of Revenue

Agency

Taxpayer Service Division - Tax Group

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09/14/2017

PENSION AND ANNUITY SUBTRACTION

REGULATION 39-22-104(4)(F)

Basis and Purpose

The basis for this rule is §39-21-112(1) and §39-22-104(4)(f), C.R.S. The purpose of this rule is to clarify what income qualifies for the pension and annuity subtraction.

(1) General Rule.

- (a) Pension and annuity benefits subject to the limitations set forth in paragraph (2) are eligible to be subtracted from a taxpayer's federal taxable income if the benefits are paid periodically, are attributable to personal services performed by an individual prior to his or her retirement from employment, paid after such retirement, and that arise from:
 - (i) An employee-employer relationship;
 - (ii) Service in the uniformed services of the United States; or
 - (iii) Contributions to a retirement plan that are deductible for federal income tax purposes.
- (b) Periodic payments means a series of amounts paid at regular intervals (e.g., weekly, monthly, or yearly) over a period of time greater than one year.
- (c) *Additional Qualifying Benefits.* The following pension and annuity benefits qualify for the subtraction, even though they are not paid periodically, are not attributable to personal services of the individual prior to retirement, and/or do not arise from one or more of the sources described in paragraphs (1)(a)(i)-(iii):
 - (i) Distributions from individual retirement arrangements (IRAs);
 - (ii) Distributions from self-employed retirement accounts;
 - (iii) Amounts received from fully matured privately purchased annuities;
 - (iv) Social security benefits; and
 - (v) Amounts paid from any such sources (i.e., sources described in (1)(a)(i) - (iii) and (c)(i)-(iv), above) by reason of permanent disability or death of the person entitled to receive the benefits.

(2) Limitations. The following are limitations on the subtraction:

- (a) The amount of income that can be subtracted is limited to:
 - (i) \$20,000 for a taxpayer who is at least 55 years of age, but not more than 64 years of age, at the end of the tax year (See paragraph (3)(c) for benefits received due to the death of the person who was originally entitled to receive such benefits); or
 - (ii) \$24,000 for a taxpayer who is at least 65 years of age at the end of the tax year.

- (b) The subtraction applies only to the extent taxpayer reports, in the same tax year that the subtraction is claimed, the pension or annuity benefit as federal taxable income on his or her federal income tax return.
- (c) *Premature Distributions.* Distributions from an IRA or self-employed retirement account plan (e.g., a 401(k), savings incentive match plan for employees (SIMPLE), or Simple Employee Pension (SEP) retirement plan for a self-employed taxpayer) that are deemed to be premature for federal income tax purposes do not qualify for the subtraction. A premature distribution (sometimes referred to as an early distribution) for federal tax purposes means a distribution that is subject to a federal income tax penalty (sometimes referred to as additional federal tax). See I.R.C. § 72(t). In general, a distribution made before a taxpayer reaches the minimum retirement age required by the pension or annuity plan is subject to the premature distribution penalty. However, federal law does not impose the premature distribution penalty for certain distributions made prior to the minimum retirement age (e.g., death, hardship, etc.). See I.R.C. § 72(t). These distributions are not disqualified from the subtraction if they otherwise meet the requirements and limitations of paragraphs (1) and (2). The restriction regarding premature distributions does not apply to pension and annuity benefits distributed from sources other than an IRA or self-employed retirement account plan.
 - (i) *Example 1.* A distribution made from a self-employed 401(k) retirement plan to a taxpayer who is 55 years old does not meet the minimum retirement age for federal tax purposes and, therefore, is considered a premature distribution subject to the federal income tax penalty. Such distribution is not eligible for this subtraction because a premature distribution from a self-employed retirement account is not eligible for the subtraction.
 - (ii) *Example 2.* Same facts as Example 1 except that the 401(k) plan is not a self-employed retirement plan but, rather, a retirement plan arising from an employer-employee relationship. The distribution is eligible for the subtraction even though the distribution is subject to the premature distribution penalty because premature distribution penalty only disqualifies distributions from self-employed retirement accounts and IRAs and does not disqualify distributions from other retirement plans.
 - (iii) *Example 3.* Same facts as Example 1 except the distribution is a lump-sum distribution of the entire fund made for hardship and, therefore, is not subject to the federal premature distribution penalty. The distribution is allowed as a subtraction. Note that the distribution is eligible for the subtraction even though it is a lump-sum payment (i.e., not a periodic payment) because distributions from a self-employed retirement plan do not have to be periodic.
 - (iv) *Example 4.* Same facts as Example 2 except the distribution is a lump-sum distribution of the entire fund and is subject to the premature distribution penalty. The distribution is not eligible for the subtraction because the distribution does not qualify as a periodic payment.
- (d) See §39-22-104(4)(f)(III), C.R.S. for apportionment of social security income reported in a Colorado joint return.
- (3) **Examples of Pension and Annuity Benefits that Qualify for the Subtraction.** The following is a non-exhaustive list of pension or annuity benefits that, if the benefit is derived from one or more of the sources described in paragraph (1), above, and is subject to the limitations of paragraph (2), qualify for the subtraction:

- (a) Pension and annuity plan benefits provided by a government employer to its employees after retirement.
 - (b) Distributions from a 401(k) plan, tax-sheltered annuity plan (403(b) plan), 501(c)(18)(D) plan, salary reduction simplified employee pension plan (SARSEP), SIMPLE plan, thrift savings plan for federal employees, IRAs, SEP plan, profit-sharing plan, defined benefit plan, money purchase plan, employee stock ownership plan, 457 plan, governmental plan (e.g., 401(a) plan), and 409A nonqualified deferred compensation plan.
 - (c) Pension and annuity benefits, including any lump-sum distributions from sources in paragraph (1)(a)(i) - (iii), paid to an individual who is less than 55 years of age at the close of the tax year if such benefits were received because of the death of the person who was originally entitled to receive such benefits. This paragraph (3)(c) applies only if the benefits are paid to an individual. The \$20,000 dollar limitation in paragraph (2) applies to individual beneficiaries who are, at the end of the tax year, less than 65 years of age (including beneficiaries who are less than 55 years of age), and the \$24,000 limitation in paragraph (2) applies to individual beneficiaries who are at least 65 years of age at the end of the tax year. Non-individuals (e.g., trust, estate, partnership, and other legal entity) that receive such benefits and individuals who receive such benefits from non-individuals may not claim the subtraction, even if the entity that received the benefit redistributes the benefit to an individual.
 - (d) Taxable permanent disability benefits received by an individual described in paragraph (1)(c)(v) who meets the age limitations set forth in paragraphs (2) even if the compensation is characterized as wages rather than pension and annuity income for federal income tax purposes.
 - (e) Payments made pursuant to a divorce settlement or decree to the extent the payments arise from one of the sources listed in paragraph (1) and are subject to the limitations of paragraphs (2). The settlement or decree must expressly state the amount of the pension or annuity benefit allocated to the taxpayer in order for the taxpayer to claim the subtraction. A nonperiodic payment representing a future stream of periodic payments from a pension or annuity plan made pursuant to the divorce settlement or decree will not qualify for the subtraction, unless the pension or annuity plan benefit is a pension or annuity plan listed as an exception in paragraph (1)(c), above.
- (4) **Examples of Pension and Annuity Benefits that Do Not Qualify for the Subtraction.** The following is a non-exhaustive list of benefits that do not qualify as a pension or annuity benefit for purposes of this subtraction:
- (a) A lump-sum distribution from a qualified or nonqualified pension or profit-sharing plan as defined in I.R.C. § 401.
 - (b) Distributions from a Roth IRA are excluded from federal gross income and, therefore, are not eligible for the subtraction. Contributions are also not eligible to be included in the subtraction.
 - (c) Sick leave or vacation leave payout.
 - (d) Early retirement incentive pay.
 - (e) Severance pay.
 - (f) Unemployment benefits.

- (g) Interest income from a bank plan that is distributed to a surviving spouse as retirement income upon death of deceased spouse.
- (h) Joint savings accounts or jointly held certificates of deposits that are paid to the surviving spouse or owner.
- (i) Alimony payments, including that portion of military pension awarded to a nonmilitary spouse as a result of a divorce settlement that is classified as alimony, except for alimony income that meets the requirements set forth in paragraph (3)(e), above.
- (j) Life insurance proceeds.
- (k) Payments from a long-term care insurance contract.
- (l) Disability payments that are not for permanent disability, regardless of their source, even if reported as pension and annuity income on taxpayer's federal income tax return.
- (m) Insurance or civil damages compensation for loss of use or function of a part of the body (e.g., loss of a limb).
- (n) A guaranteed payment by a partnership to a partner, unless the payment is part of a plan that meets the general rule of paragraph (1) and subject to the limitations of paragraphs (2), above.
- (o) Distributions from an otherwise qualified profit-sharing plan to an employee prior to retirement.
- (p) Distributions from an otherwise qualified employer-sponsored savings plan or employee stock ownership plan prior to retirement.
- (q) Contribution to a pension or annuity plan, regardless of whether the contribution is taxable to the beneficiary of the pension or annuity plan at the time the contribution is made.
- (r) Distribution of interest income derived from an U.S. savings bond, unless the bond was an asset of a pension or annuity plan that qualifies for the subtraction.

(5) Trusts/Estates.

- (a) Trusts and estates cannot claim the pension and annuity benefit subtraction.
- (b) An individual who is a beneficiary of a trust or estate cannot claim the subtraction for distributions of pension or annuity benefits from a trust or estate.

(6) Railroad Retirement Benefits.

- (a) Railroad retirement annuity benefits, including Tier I and Tier II, annuity benefits for spouses, divorced spouses, survivors, vested dual benefits, supplemental railroad retirement annuity benefits and railroad disability benefits are exempt from state taxation under Section 231m of the Railroad Retirement Act (45 U.S.C. 231m and 231a(a)), regardless of whether such benefits meet the qualifications set forth in paragraph (1) of this regulation. The amount of such subtraction is not limited by the dollar limitations set forth in paragraph (2), above. If a taxpayer also receives pension or annuity benefits described in paragraph (1), above, that qualify for the subtraction, then the amount of

railroad retirement benefits is not included in calculating whether pension or annuity benefits of paragraph (1) have exceeded the dollar limitations set forth in paragraph (2).

- (b) If the benefits described in paragraph (6)(a), above, are included in the taxpayer's federal taxable income, the benefits are subtracted when computing Colorado taxable income as a "railroad retirement benefits subtraction." The income included in the railroad retirement benefits subtraction cannot be subtracted a second time under the pension and annuity subtraction and the amount of any railroad retirement benefits subtraction will not count against the \$20,000 or \$24,000 limitation of the pension / annuity subtraction.

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Opinion of the Attorney General rendered in connection with the rules adopted by the

Taxpayer Service Division - Tax Group

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1 CCR 201-2

INCOME TAX

The above-referenced rules were submitted to this office on 08/01/2017 as required by section 24-4-103, C.R.S. This office has reviewed them and finds no apparent constitutional or legal deficiency in their form or substance.

August 14, 2017 11:53:30

Cynthia H. Coffman
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Solicitor General

Permanent Rules Adopted

Department

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APPORTIONMENT OF TAX FOR PART-YEAR RESIDENT AND NONRESIDENT INDIVIDUALS.

REGULATION 39-22-110.

Basis and Purpose

The basis for this rule is § 39-21-112(1), § 39-22-110, § 39-22-104, § 39-22-323, § 39-22-326, § 39-22-504, and § 39-22-518, C.R.S. The purpose of this rule is to clarify the apportionment of Colorado tax for part-year residents and nonresidents. This rule provides guidance for such apportionment regarding the treatment of federal adjustments to gross income, Colorado additions to income, and Colorado subtractions to income.

- (1) **Computation of Colorado Income Tax.** Colorado income tax of a part-year resident individual is the Colorado income tax calculated as if taxpayer was a full-year Colorado resident (referred to as the “tentative” Colorado income tax) multiplied by the ratio of the Colorado modified federal adjusted gross income divided by the modified federal adjusted gross income (“Ratio”). The Ratio can be greater than one-hundred percent and cannot be less than zero.
 - (a) *Modified Federal Adjusted Gross Income (Ratio’s denominator).* The modified federal adjusted gross income is the taxpayer’s federal adjusted gross income modified by the following additions and subtractions:
 - (i) *Additions.*
 - (A) All additions set forth in § 39-22-104(3), C.R.S., except as noted, are added to federal adjusted gross income. The state income tax addback (§ 39-22-104(3)(d), C.R.S.), the gross conservation easement deduction addback (§ 39-22-104(3)(g), C.R.S.) (both of which are discussed in paragraph (1)(a)(iii), below), and the addition described in § 39-22-104(3)(c), C.R.S. are not added to federal adjusted gross income.
 - (B) Any net operating loss carryforward or carryback deducted in the calculation of the taxpayer’s federal adjusted gross income that is not allocated to Colorado pursuant to § 39-22-504(1), C.R.S. is added to federal adjusted gross income.
 - (C) Shareholder’s share of Subchapter S corporation’s additions described in § 39-22-323, C.R.S., including the modifications described in §§ 39-22-304 (e.g., foreign tax addition) and 39-22-104, C.R.S. See § 39-22-326, C.R.S. for determining the part-year resident shareholder’s income attributable to Colorado is added to federal adjusted gross income.
 - (ii) *Subtractions.*
 - (A) All subtractions set forth in § 39-22-104(4), C.R.S., except as noted are subtracted from federal adjusted gross income. The charitable contribution subtraction (§ 39-22-104(4)(m), C.R.S.) and marriage penalty subtraction (§ 39-22-104(4)(j), C.R.S.) (both of which are discussed in paragraph (1)(a)(iii), below) are not subtracted from federal adjusted gross income.

- (B) Railroad retirement benefits are subtracted from federal adjusted gross income. See Department Regulation 39-22-104(4)(f) Pension and Annuity Subtraction for additional information.
 - (C) Colorado net capital gains (§ 39-22-518, C.R.S.) are subtracted from federal adjusted gross income.
 - (D) Income of a tribal member who lives on a tribal reservation and recognized income on a tribal reservation is subtracted from federal adjusted gross income. *McClanahan v. Arizona State Tax Commission*, 411 U.S. 164 (1973).
 - (E) Foreign source income of an export taxpayer (§ 39-22-206, C.R.S.) is subtracted from federal adjusted gross income.
 - (F) Shareholder's share of Subchapter S corporation's subtractions described in § 39-22-323, C.R.S., including modifications pursuant to §§ 39-22-304 and 39-22-104, C.R.S. are subtracted from federal adjusted gross income. See § 39-22-326, C.R.S. for determining the part-year resident shareholder's income attributable to Colorado.
- (iii) Certain additions and subtractions listed in § 39-22-104, C.R.S. and listed below are not included in the calculation of the Ratio. The Ratio is based on the taxpayer's federal adjusted gross income. Most modifications in subsection § 39-22-104, C.R.S. (listed in subparagraph (1)(a), above) relate to federal tax items that are used to calculate federal adjusted gross income. However, certain other state modifications in subsection 104 (listed below) relate to federal tax items that are "below-the-line" adjustments and are not used to compute federal adjusted income. Therefore, adding or subtracting the modifications listed below to compute the Ratio would be improper. State modifications not included in the calculation of the Ratio are:
- (A) State income tax addback for state income tax claimed as an itemized deduction (§ 39-22-104(3)(d), C.R.S.).
 - (B) Gross conservation easement addback (§ 39-22-104(3)(g), C.R.S.).
 - (C) Charitable contribution subtraction (§ 39-22-104(4)(m), C.R.S.).
 - (D) Marriage penalty subtraction described in § 39-22-104(4)(j), C.R.S.
- (b) *Colorado modified federal adjusted gross income (Ratio's Numerator).* The Colorado modified federal adjusted gross income is that portion of taxpayer's federal gross income that is earned during the period of the year when a taxpayer was a resident plus Colorado-sourced income earned when taxpayer was not a resident (see Department Regulation 39-22-109 for rules regarding Colorado-source income of a nonresident), and (1) reduced by federal "above-the-line" adjustments to federal gross income that are allocated or apportioned as set forth in subparagraph (1)(b)(i), below, and (2) modified by those additions and subtractions enumerated in subparagraphs (1)(b)(ii) and (iii), below.
- (i) *Adjustments to Colorado Federal Gross Income.* Federal "above-the-line" adjustments are allocated or apportioned when calculating the Colorado modified federal adjusted gross income in order to fairly reflect that portion of taxpayer's federal adjusted gross income which is subject to Colorado income tax.

- (A) The following “above-the-line” adjustments are allowed in the ratio of taxpayer’s Colorado wages and Colorado self-employment income to taxpayer’s total wages and/or total self-employment income:
- (I) Educator expenses.
 - (II) IRA deductions.
 - (III) Self-employed SEP, SIMPLE, or other qualified plan deductions.
 - (IV) Business expenses of members of the National Guard and reservists, performing artists and fee-based government officials.
 - (V) Health savings account and Archer medical savings account deductions.
 - (VI) Deductible self-employment taxes.
 - (VII) Self-employment health insurance deductions.
 - (VIII) Contributions to a 501(c)(18)(D) plan.
 - (IX) Contributions to a 403(b) plan by certain chaplains.
- (B) The following “above-the-line” adjustments are allowed in the ratio of taxpayer’s Colorado federal gross income to total federal gross income:
- (I) Student loan interest deduction.
 - (II) Alimony deduction.
 - (III) Tuition and fees deduction.
 - (IV) Reforestation amortization and expense deduction.
 - (V) Repayment of supplemental unemployment benefits under the Trade Act of 1974 if such benefits were included in taxpayer’s Colorado modified federal adjusted gross income in a prior tax year.
 - (VI) Attorney fees and court costs relating to claims for unlawful discrimination claims.
 - (VII) Attorney fees and court costs relating to an award from the IRS relating to detecting tax law violations.
- (C) Domestic production activities deduction is allowed in the ratio of Colorado qualified production activities income to total federal qualified production activities income.
- (D) Penalties for early withdrawals from a certificate of deposit or other deferred interest account if paid while a Colorado resident.

- (E) Moving expenses for moving into Colorado unless the expenses are incurred when moving out of Colorado and taxpayer becomes a nonresident.
 - (F) Jury duty pay taxpayer paid his or her employer because the employer paid taxpayer's salary while on jury duty for jury service in Colorado.
 - (G) Expenses incurred for rental of personal property while a Colorado resident or for rental property located in Colorado.
- (ii) *Additions to Colorado Adjusted Gross Income.* Additions to Colorado adjusted gross income required by § 39-22-104(3), C.R.S. and subparagraph (1)(a)(i), above, are allocated or apportioned when calculating the Colorado modified federal adjusted gross income in order to fairly reflect that portion of taxpayer's modified federal adjusted gross income which is subject to Colorado income tax.
- (A) The following additions are always allocated to Colorado when calculating Colorado modified federal adjusted gross income:
 - (I) A withdrawal from a Colorado medical savings account described in § 39-22-504.7(3)(b)(II) or (III), C.R.S., when contributions to such account were excluded from taxpayer's Colorado taxable income in a prior tax year (§ 39-22-104(3)(f), C.R.S.).
 - (II) Recapture of prior tuition cost if the contribution or payment into the qualified tuition program was excluded from taxpayer's Colorado taxable income in a prior tax year (§ 39-22-104(4)(i)(III), C.R.S.).
 - (III) Expenses related to a discriminatory club (§ 39-22-104(3)(e)(I), C.R.S.).
 - (B) The following additions are allocated to Colorado when calculating Colorado modified federal adjusted gross income to the extent that the underlying or related income or loss was recognized or incurred while taxpayer was a Colorado resident:
 - (I) Interest income derived from obligations of a state or local government, other than of the State of Colorado or its political subdivisions, and computed as described in § 39-22-104(3)(b), C.R.S.
 - (II) The addition set forth in § 39-22-104(3)(c), C.R.S. (addition of deduction from federal income for certain lump-sum distributions) does not apply in tax years beginning on or after January 1, 1996. See subparagraph (1)(a)(i)(1), above.
 - (C) The following additions are allocated to Colorado when calculating Colorado modified federal adjusted gross income to the extent that the underlying or related expenses or losses were from business activity in Colorado or were incurred while the taxpayer was a Colorado resident:

- (I) Unauthorized alien labor costs (§ 39-22-104(3)(i), C.R.S.) paid when taxpayer was a resident.
 - (II) Net operating loss carried over from a tax year beginning prior to January 1, 1987 (§ 39-22-104(3)(a), C.R.S.).
 - (III) Shareholder's share of Subchapter S corporation's additions pursuant to § 39-22-323, C.R.S. related to business expenses.
- (D) The following addition is never allocated to Colorado when calculating Colorado modified federal adjusted gross income:
 - (I) Net operating loss that is not allocated to Colorado pursuant to § 39-22-504(1), C.R.S.
- (iii) *Subtractions from Colorado Adjusted Gross Income.* Colorado subtractions allowed under § 39-22-104(4), C.R.S. and subparagraph (1)(a)(ii), above, are allocated or apportioned when calculating Colorado modified federal adjusted gross income in order to fairly reflect that portion of the taxpayer's modified federal adjusted gross income that is subject to Colorado income tax.
 - (A) The following subtractions are allocated to Colorado when calculating Colorado modified federal adjusted gross income to the extent the underlying or related income is included in Colorado gross income determined under subparagraph (1)(b), above:
 - (I) State income tax refund or credit for overpayment of income tax imposed by Colorado or any other taxing jurisdiction and received when taxpayer was a Colorado resident (§ 39-22-104(4)(e), C.R.S.).
 - (II) Interest income on obligations of the United States and its possessions (e.g., Guam, Puerto Rico) (§ 39-22-104(4)(a), C.R.S.).
 - (III) Gain or loss resulting from higher Colorado adjusted basis (§ 39-22-104(4)(b), C.R.S.).
 - (IV) Qualifying pension / annuity income (§39-22-104(4)(f), C.R.S.). See regulation 39-22-104(4)(f) for qualifications and limitations.
 - (V) Distributions from qualified tuition program (described in § 39-22-104(4)(i), C.R.S.).
 - (VI) Compensation for exonerated individual (defined in §39-22-104(4)(q), C.R.S.).
 - (VII) Income of a tribal member who lives on tribal reservation and recognized the income on a tribal reservation. *McClanahan v. Arizona State Tax Commission*, 411 U.S. 164 (1973).
 - (VIII) Railroad retirement benefits. (See § 39-22-104(4)(f), C.R.S. and Department Regulation 39-22-104(4)(f) for qualifications and limitations.)

- (IX) Qualified Colorado net capital gains (§ 39-22-518, C.R.S.).
 - (X) Contributions by employees to the Public Employee Retirement Association contributions made between and including calendar year 1984 to 1986 and contributions by employee to the Denver Public School retirement plan made in calendar 1986 that were previously subject to Colorado income tax.
 - (XI) Shareholder's share of Subchapter S corporation's subtractions pursuant to § 39-22-323, C.R.S. related to income.
- (B) The following subtractions are always allocated to Colorado when calculating Colorado modified federal adjusted gross income:
- (I) Medical savings account contribution (§ 39-22-104(4)(h), C.R.S.).
 - (II) Wildfire mitigation measures (§ 39-22-104(4)(n), C.R.S.).
 - (III) Employer matching contribution to adult learner individual trust account or savings account (§ 39-22-104(4)(o), C.R.S.).
 - (IV) Grant from military family relief fund (§ 39-22-104(4)(p), C.R.S.).
 - (V) Disallowed expenditure relating to medical and/or recreational marijuana (§ 39-22-104(4)(r) and (s), C.R.S.).
 - (VI) Payments and contributions to a qualified tuition program (described in § 39-22-104(4)(i)(II), C.R.S.).
 - (VII) The subtraction allowed under § 39-22-104(4)(c), C.R.S., in an amount necessary to prevent Colorado taxation of Colorado income or gain that was subject in a prior year to Colorado income tax paid by the taxpayer, by a descendant by whose death the taxpayer acquired the right to receive such income, or by a trust or estate from which the taxpayer receives such income.
- (C) The following subtraction is allocated to Colorado when calculating Colorado modified federal adjusted gross income to the extent that the underlying or related expenses or losses are from business activity in Colorado or were incurred while the taxpayer was a Colorado resident:
- (I) Shareholder's share of Subchapter S corporation's subtractions pursuant to § 39-22-323, C.R.S. related to business expenses. See § 39-22-326, C.R.S. for determining the part-year resident shareholder's income attributable to Colorado.
- (2) **Part-year partners, trusts, and estates.** For application of the allocation and apportionment of the "above-the-line" adjustments described in subparagraph (1)(b)(i), above, and application of the modifications described in subparagraph (1)(b)(ii), above, to distributions from partnerships to a part-year resident individual partner, see §§ 39-22-202 to 206, C.R.S. For modifications relating to the taxable income of part-year resident trusts and estates, see §§ 39-22-108.5 and 401 to 404, C.R.S.

- (3) **Computation of credit for taxes paid to another state.** A credit will be allowed for income taxes paid another state. See Department Regulation 39-22-108 (credit for taxes paid another state), § 39-22-108.5, C.R.S. (dual resident trust income tax), and Department Regulation 39-22-109 (Colorado-source income).

Cross Reference(s)

1. See Department Regulation 39-22-109 for guidance on what constitutes Colorado-source income.

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Tracking number: 2017-00143

Opinion of the Attorney General rendered in connection with the rules adopted by the

Taxpayer Service Division - Tax Group

on 07/26/2017

1 CCR 201-2

INCOME TAX

The above-referenced rules were submitted to this office on 08/01/2017 as required by section 24-4-103, C.R.S. This office has reviewed them and finds no apparent constitutional or legal deficiency in their form or substance.

August 14, 2017 11:55:24

Cynthia H. Coffman
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by Frederick R. Yarger
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Permanent Rules Adopted

Department

Department of Revenue

Agency

Taxpayer Service Division - Tax Group

CCR number

1 CCR 201-2

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1 CCR 201-2 INCOME TAX 1 - eff 09/14/2017

Effective date

09/14/2017

CONSOLIDATED RETURNS

RULE 39-22-305

Basis and Purpose

The basis for this rule is § 39-21-112(1) and § 39-22-305, C.R.S. The purpose of this rule is to clarify how to make an election to file a consolidated return and how to withdraw such election.

(1) **Election to File a Consolidated Return.**

- (a) The election to file a consolidated C corporation return pursuant to § 39-22-305, C.R.S. must be made on or before the due date of the filing of the return, including any extensions of time for filing the return. Such election must be made by indication on the return in the designated manner. If an election is made, such election may not be withdrawn after the due date, including any extension of time, for filing the return. A taxpayer who has not made a timely election may request permission from the Executive Director or their designee to make a consolidated return election consistent with the requirements set forth in Treas. Reg. (26 C.F.R.) § 301.9100-3.
- (b) The election to file a consolidated return is binding for the election year and the next three tax years, unless permission is granted in writing by the Executive Director or the Executive Director's designee for an earlier change.
- (c) From the fifth year forward, a taxpayer may revoke the election prior to the due date for filing a consolidated return, including any extensions of time for filing the return. If revoked, the revocation may not be withdrawn after such due date or any extension of time for filing the return. If the taxpayer revokes the election, it may subsequently elect to file on a consolidated basis pursuant to (1)(a) of this rule. The filing by multiple taxpayers of non-consolidated returns shall be considered the revocation of the election. However, the inadvertent exclusion of a corporation from a consolidated return shall not be considered a revocation of the election
 - (i) Example. A taxpayer will not revoke its consolidated election if the taxpayer acquires a new C corporation doing business in Colorado and inadvertently fails to include such corporation in the consolidated return for the year of acquisition.
- (d) For any year a consolidated return is filed, the taxpayer shall file an affiliation schedule with the return.

(2) **Members of the Consolidated Return.** The Colorado income tax liability for an affiliated group of corporations filing a consolidated return is based only on the net income of those members of the affiliated group that have substantial nexus in Colorado, exceed the minimum standards of Public Law 86-272 (15 U.S.C. 381) in Colorado, and for which a tax is imposed under § 39-22-301, C.R.S. during that tax year. The consolidated net income of such corporations is allocated and apportioned in accordance with § 39-22-303.5, C.R.S. or § 39-22-303.7, C.R.S. The apportionment factors of such consolidated group are based solely on the consolidated sales of the consolidated group.

(3) **Consolidated Return that Includes a Combined Report.**

- (a) An election to file a consolidated return can be made even if the consolidated return will include members of an affiliated group of corporations that are required to file a combined

report. When filing a consolidated return that includes any member of an affiliated group that is required to be included in a combined report, such consolidated return must include the income as computed in the combined report even if that income calculation is based on business activities of one or more affiliated corporations not doing business in Colorado.

- (b) The affiliated group electing to file a consolidated return shall be treated as one taxpayer for purposes of filing the combined report.

Cross Reference(s)

1. See Department Rule 1 CCR 201-2, 39-22-301.1 for additional information on substantial nexus.
2. See Department Rule 1 CCR 201-2, 39-22-303(11) for additional information on filing a combined report.

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1 CCR 201-2

INCOME TAX

The above-referenced rules were submitted to this office on 08/01/2017 as required by section 24-4-103, C.R.S. This office has reviewed them and finds no apparent constitutional or legal deficiency in their form or substance.

August 14, 2017 11:57:49

Cynthia H. Coffman
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Permanent Rules Adopted

Department

Department of Revenue

Agency

Division of Motor Vehicles

CCR number

1 CCR 204-10

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1 CCR 204-10 TITLE AND REGISTRATION SECTION 1 - eff 09/14/2017

Effective date

09/14/2017

~~DEPARTMENT OF REVENUE~~

~~Division of Motor Vehicles—Title and Registration Sections~~

~~1 CCR 204-10~~

~~RULE 47. EXPIRED TEMPORARY REGISTRATION PERMITS~~

~~**Basis:**—This regulation is promulgated under the authority of 42-1-204 and 42-3-112, C.R.S.~~

~~**Purpose:**—The following rules and regulations are promulgated to establish criteria for exempting the late fee on vehicles that have an expired temporary registration permit, that are subject to taxation and are not registered when required by law.~~

~~1.0—Definitions~~

~~1.1—“Expired Temporary Registration Permit” means a temporary registration permit that is no longer valid.~~

~~1.2—^a“Temporary Registration Permit” for the purposes of this rule means a temporary registration permit that has been issued by the Department, its authorized agents or dealers licensed by the Department of Revenue. A temporary registration permit is valid through the date displayed on the temporary registration permit.~~

~~2.0—Requirements~~

~~2.1—Late fees assessed pursuant to 42-3-112(1) C.R.S. shall be waived on all expired temporary registration permits.~~

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1 CCR 204-10

TITLE AND REGISTRATION SECTION

The above-referenced rules were submitted to this office on 07/31/2017 as required by section 24-4-103, C.R.S. This office has reviewed them and finds no apparent constitutional or legal deficiency in their form or substance.

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Permanent Rules Adopted

Department

Department of Revenue

Agency

Division of Motor Vehicles

CCR number

1 CCR 204-10

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1 CCR 204-10 TITLE AND REGISTRATION SECTION 1 - eff 09/14/2017

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09/14/2017

DEPARTMENT OF REVENUE

Division of Motor Vehicles – Title and Registration Section

1 CCR 204-10

RULE 44. LATE FEE EXEMPTION, REDUCTION, OR WAIVER

Basis: The statutory bases for this rule are sections 42-1-204 and 42-3-112, C.R.S.

Purpose: The following rule is promulgated to establish criteria under which a vehicle owner is exempt from the Late Fee on vehicles that are subject to taxation and are not registered when required by law and for the reduction or waiver of the Late Fee for the registration of a trailer that is a commercial or farm vehicle and are not registered when required by law.

1.0 Definitions

- 1.1 “Act of God” means an unforeseen and uncontrollable natural event that is outside of human control, including but not limited to; lightning, fire, flood, tornado, and earthquake; that prevents the owner of a vehicle from obtaining a title, registration, Temporary Registration Permit, or renewing the registration of the vehicle.
- 1.2 “Commercial Vehicle Trailer” means a trailer, as defined in section 42-1-102(105), C.R.S., a utility trailer, as defined in section 42-1-102(111), C.R.S., a multipurpose trailer, as defined in section 42-1-102(60.3), C.R.S., a camper trailer, as defined in section 42-1-102(14), or a trailer coach defined in section 42-1-102(106)(a), C.R.S., used to further the purposes of a business or commercial enterprise.
- 1.3 “Farm Vehicle Trailer” means a trailer, as defined in section 42-1-102(105), C.R.S., a utility trailer, as defined in section 42-1-102(111), C.R.S., a multipurpose trailer, as defined in section 42-1-102(60.3), C.R.S., a camper trailer, as defined in section 42-1-102(14), or a trailer coach, as defined in section 42-1-102(106)(a), C.R.S., owned by a farmer or rancher that is operated over the public highways and used commercially to transport to market or place of storage raw agricultural products actually produced or livestock actually raised by such farmer or rancher or to transport commodities and livestock purchased by such farmer or rancher for personal use and used in such person’s farming or ranching operations.
- 1.4 “Furlough” means a government-mandated closure of a Motor Vehicle Office.
- 1.5 “Information Technology Failure” means any computer system or related software or hardware malfunction that prevents successfully completing a

vehicle title, registration, Temporary Registration Permit issuance, or renewal transaction.

- 1.6 “Late Fee” means the fee authorized by section 42-3-112(1), C.R.S.
- 1.7 “Medical Hardship” means medical care, treatment and/or physical or mental incapacity that prevents a vehicle owner from titling, registration, obtaining a Temporary Registration Permit issuance, or renewing the vehicle’s registration within statutory time requirements.
- 1.8 “Medical Professional” means a “professional” as defined in section 42-3-204(1)(i), C.R.S.
- 1.9 “Motor Vehicle Office” means a county or state office that performs Colorado vehicle title, registration, Temporary Registration Permit issuance, or registration renewal transactions.
- 1.10 “Office Closure” means a closure of a Motor Vehicle Office for any reason during normal posted business hours.
- 1.11 “Temporary Registration Permit” means a temporary number plate, tag, or certificate registered to a vehicle pursuant to section 42-3-203(3), C.R.S.
- 1.12 “Weather-Related Delay” means weather or weather-related circumstances that prevent a Motor Vehicle Office from completing vehicle titling, registration, Temporary Registration Permit issuance, or registration renewal transactions, as determined by the Executive Director of the Department or a county commissioner.

2.0 Requirements for Exemption, Waiver, or Reduction of Late Fees.

- 2.1 The Department will reduce or waive a Late Fee for a Commercial Vehicle Trailer upon receiving a completed form DR 2505 Late Fee Exemption/Reduction Request at the Motor Vehicle Office in the vehicle owners county of residence certifying that (1) the owner uses the vehicle in the operation of a commercial business and (2) as a part of the normal operation of the business idles the vehicle so that it is not operated on a public highway for a full registration period.
- 2.2 The Department will reduce or waive a Late Fee for a Farm Vehicle Trailer upon receiving a completed form DR 2505 Late Fee Exemption/Reduction Request at the Motor Vehicle office in the vehicle owners county of residence certifying that (1) the owner uses the vehicle commercially to transport to market or place of storage raw agricultural products actually produced or livestock actually raised by such farmer or rancher or to transport commodities and livestock purchased by such farmer or rancher for personal use and used in such person’s farming or

ranching operation and (2) as a part of the normal operations idles the vehicle so that it is not operated on a public highway for a full registration period.

- 2.3 The Department will not impose a Late Fee for Medical Hardship upon receiving a completed form DR 2538 Medical Hardship Late Fee Exemption Affidavit at the Motor Vehicle Office in the vehicle owners' county of residence.
- 2.4 The Department will not impose a Late Fee for a vehicle upon receiving a completed form DR 2505 Late Fee Exemption/Reduction Request at the Motor Vehicle office in the vehicle owner's county of residence certifying that the owner (1) uses the vehicle in the operation of a commercial business and (2), as a part of the normal operation of the business, idles the vehicle so that it is not operated on a public highway for a full registration period.
- 2.5 The Department will not impose a Late Fee on a vehicle owner who is in the active military service of the United States and who satisfies the requirements of section 42-3-112(3)(b), C.R.S. The vehicle owner must provide:
 - A. Military orders or other proof that the owner was serving outside the state at the time the vehicle was required to be registered; and
 - B. An affidavit stating that the vehicle was not operated on any public highway in Colorado between the time the registration period and grace period ended and the vehicle is reregistered.
- 2.6 Upon approval of the Department, an owner of a vehicle may be entitled to waiver of a Late Fee if any of the events below occur and prevent the vehicle owner from accessing title and registration services. Upon approval by the Department, the Motor Vehicle Office shall exempt such vehicle owners for the period of the event, and for 10 calendar days following the last day of the event. If the vehicle owner fails to complete the titling, registration, Temporary Registration Permit issuance, or registration renewal of the vehicle, the Late Fee will be charged, unless the vehicle is otherwise exempt pursuant to this rule. If an event affects only one Motor Vehicle Office in a county with multiple offices, the exemption will apply for all Motor Vehicle Offices in that county.
 - A. Act of God
 - B. Furlough
 - C. Information Technology Failure
 - D. Office Closure
 - E. Weather-Related Delay

- 2.7 If a county is unable to complete a title, registration, Temporary Registration Permit issuance, or renewal transaction without modification of the transaction or record by the Department and the Department offices are closed, a Late Fee will not be imposed.
- 2.8 The Department will determine whether to grant a Late Fee exemption on a case by case basis for circumstances not included in this rule. Any such exemption must be approved by the Department before a county can grant a Late Fee exemption for vehicles in their county. The Department may determine to grant Late Fee exemptions on its own initiative.
- 2.9 Pursuant to section 42-3-112(1.5)(a)(III), C.R.S., a Motor Vehicle Office will not assess or collect a late Fee for an expired Temporary Registration Permit or temporary tag, certificate, or permit issued by another state.
- 2.10 Each County Clerk and Recorder and/or County Motor Vehicle Supervisor must complete and submit to the Department a monthly report attesting to the Late Fee waivers, reductions, and exemptions granted to vehicles in their county. The Department may audit these reports, and if additional documentation is required to support a Late Fee waiver, reduction, or exemption given by a county, the county will be given notice and must provide supporting documentation within 10 days of the notice.

3.0 Appeal from Denial of Late Fee Refund

- 3.1 If a county denies a request to waive, reduce, or allow an exemption from a Late Fee the vehicle owner must pay the Late Fee. The Motor Vehicle Office will not complete the vehicle title, registration, Temporary Registration Permit issuance, or registration renewal transaction on a vehicle until the Late Fee is paid.
 - A. If the Department determines that the request for waiver, reduction, or exemption from a Late Fee should have been granted, the Department will refund the previously collected Late Fee. The vehicle owner must complete any additional documents required by the Department to process refunds.
 - B. If the Department determines that the request for a waiver, reduction, or exemption was correctly denied, the Department will mail a notice of denial to the vehicle owner at the address provided on the DR 2468 Late Fee Review and Refund Request.
- 3.2 A vehicle owner who has received a notice of denial may, within 60 days of the date of the notice of denial, request a hearing on the denial by submitting a written request for hearing with the Hearings Division.
- 3.3 The hearing will be held at the Department of Revenue, Hearings Division. The hearing officer will be an authorized representative designated by the Executive

Director. The Department employee who completed the review and denial of the waiver, reduction, or exemption request need not be present at the hearing unless required by the hearing officer, or unless requested in writing by the vehicle owner at the time the written request for hearing is submitted. If the Department employee is not present at the hearing, the hearing office may use documents and any affidavit submitted by the Department.

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1 CCR 204-10

TITLE AND REGISTRATION SECTION

The above-referenced rules were submitted to this office on 07/31/2017 as required by section 24-4-103, C.R.S. This office has reviewed them and finds no apparent constitutional or legal deficiency in their form or substance.

August 07, 2017 13:28:34

Cynthia H. Coffman
Attorney General
by Frederick R. Yarger
Solicitor General

Permanent Rules Adopted

Department

Department of Revenue

Agency

Executive Director of the Department of Revenue

CCR number

1 CCR 210-4

Rule title

1 CCR 210-4 ENFORCEMENT OF THE PROHIBITED USE OF ELECTRONIC
BENEFITS TRANSFER CARDS AT CERTAIN LOCATIONS 1 - eff 09/14/2017

Effective date

09/14/2017

DEPARTMENT OF REVENUE

Executive Director of the Department of Revenue

ENFORCEMENT OF THE PROHIBITED USE OF ELECTRONIC BENEFITS TRANSFER CARDS AT CERTAIN LOCATIONS

1 CCR 210-4

[Editor's Notes follow the text of the rules at the end of this CCR Document.]

BASIS AND PURPOSE

These rules and regulations are adopted by the Executive Director of the Department of Revenue pursuant to the provisions of the State Administrative Procedure Act, article 4 of title 24, C.R.S. The purpose of these rules and regulations is to govern the enforcement of the prohibited use of electronic benefits transfer service cards at automated teller machines located in licensed gaming establishments, in-state simulcast facilities, race tracks, retail establishments licensed to sell malt, vinous, or spirituous liquors (except that, pursuant to HB17-1365 (amending subsections 26-2-104(2)(a)(ii)(c) and (2)(h)(i)(b), C.R.S.) this rule shall not apply to liquor-licensed drug stores),, medical marijuana centers, and retail marijuana stores. The statutory basis for 1 CCR 210-4 is found in section 26-2-104, et seq., C.R.S., 12-47.1-103 (15), C.R.S., 12-60-102 (14), C.R.S., 12-60-102 (26), C.R.S., 12-47-202 (b), C.R.S., 12-43.3-104 (3), C.R.S., and 12-43.4-103 (4), C.R.S.

(1) Construction.

Nothing contained in these regulations shall be so construed as to conflict with any provision of 26-2-101, et seq., C.R.S., or of any other applicable statute.

(2) Definitions.

The following definitions of terms, in addition to those set forth in section 24-4-102, C.R.S., shall apply to all rules and regulations promulgated pursuant to section 26-2-104, C.R.S.:

- (a) "Electronic Benefits Transfer Service Card (EBT)" is a card on which benefit allotments are stored and used to purchase authorized items at a point-of-sale terminal.
- (b) "Automated Teller Machine (ATM)" is a device which dispenses cash and provides benefit inquiries. The equipment is activated by inserting a plastic card with a magnetic stripe or smart card technology and entering a personal identification number (PIN).
- (c) "Licensed Gaming Establishment" means any premises licensed pursuant to article 47.1 of Title 12 of the Colorado Revised Statutes for the conduct of gaming.
- (d) "In-State Simulcast Facility" means:
 - (I) A class A or class B horse track at which a licensee has held within the preceding twelve months or is licensed and scheduled to hold within the following twelve months a race meet of at least the duration required of a class A or class B track;

- (II) An additional facility that is operated by and is the responsibility of the licensee of a class B horse track, located in Colorado, and used for the handling of wagers placed on simulcast races received by the track or facility.
- (III) A class A horse track granted permission to receive simulcast races at an alternate location within five miles of its track during the times when the track is not in operation.
- (e) "Racetrack" means any premises where race meets or simulcast races with pari-mutuel wagering are held in accordance with the provisions of Article 60 of Title 12 of the Colorado Revised Statutes.
- (f) For this rule, a Liquor "licensed premises" means the premises specified in an application for a retail establishment licensed to sell malt, vinous, or spirituous liquors pursuant to part 3 of article 47 of title 12, C.R.S., except that this rule shall not apply to establishments applying for or holding a license as a liquor-licensed drug store under section 12-47-408, C.R.S.
- (g) A Medical Marijuana center "licensed premises" means the premises specified in an application for a license pursuant to Article 43.3 of Title 12 of the Colorado Revised Statutes owned or in possession of the licensee and within which the licensee is authorized to sell medical marijuana.
- (h) A Retail Marijuana store "licensed premises" means the premises specified in an application for a license pursuant to Article 43.4 of Title 12 of the Colorado Revised Statutes owned or in possession of the licensee and within which the licensee is authorized to sell retail marijuana.

(3) Responsibility of Licensee.

Responsibility for the employment and maintenance of lawful methods of operation rests with the licensee, and willful or persistent use or toleration of methods of operation considered unlawful by the Department of Revenue is prohibited. Each licensee shall fully and timely perform each and every term, condition and duty required by the rules and regulations of the Department of Revenue.

(4) Prevention Measures.

The operator of any establishment defined in this Rule, at which an ATM is located must take measures to prevent a client from using an EBT card to access moneys from such an ATM.

- (a) The operator of any establishment defined in this Rule, at which an ATM is located must post a sign on or near the ATM clearly notifying clients that this rule prohibits the use of an EBT card at the machine. The sign must use a minimum of an Arial 30 point font type and must contain the following statement:

"The use of an electronic benefits transfer service ("EBT") card to access public benefits at this machine is prohibited by Colorado Law, section 26-2-104, Colorado Revised Statutes."
- (I) A sticker affixed to an ATM that is in plain view may serve as the sign so long as the owner or operator of the ATM allows it. The sticker must contain the required statement and must use a minimum of an Arial 14 point font type.
- (b) The operator of any establishment defined in this Rule shall take additional measures necessary to prevent a client from using an Electronic Benefits Card to access moneys from ATMs at its establishment.
- (c) Each licensee must immediately notify in writing the Division within the Department of Revenue that has regulatory authority over the licensed premises, of the discovery of a violation or of a

suspected violation of 26-2-104 (2) (h) (II), C.R.S., or this Rule. This notification may be sent electronically.

- (d) An operator of any establishment defined in this Rule who violates any of the provisions of 26-2-104 (2) (h) (II), C.R.S., or of this Rule, may be fined up to \$100.00 for each violation.

(5) Exemptions.

The licensed operator of any establishment defined in this Rule at which an ATM is located is exempt from the requirements of 26-2-104(2)(h)(II), C.R.S. and this Rule if the following requirements are met:

The licensed operator must obtain a signed statement from the owner or operator of each ATM located on the licensed premises verifying that all of the ATM machines on the licensed premises do not accept EBT cards. The signed statement must specifically identify each ATM. The signed statement from the owner or operator of the ATM(s) must be on the owner or operator's letterhead with the name and address of the owner or operator. The licensed operator shall then submit the ATM owner or operator's signed statement to the Division within the Department of Revenue that has regulatory authority over the licensed premises, together with a cover letter identifying the licensed operator seeking the exemption. Signed exemption letters can be sent electronically.

If a licensed operator is itself the owner or operator of an ATM on its premises, then the licensed operator shall prepare a signed statement verifying that all of the ATM machines on the licensed premises do not accept EBT cards. The signed statement must specifically identify each ATM. The signed statement from the licensed operator must be on the licensed operator's letterhead. The licensed operator shall then submit its signed statement to the Division within the Department of Revenue that has regulatory authority over the licensed premises. Signed exemption letters can be sent electronically.

If one or more violations of 26-2-104(2)(h)(II), C.R.S. occurs at any exempted establishment, the Department of Revenue may take measures to prevent future violations, including issuing fines up to \$100.00 for each violation. Activity will be monitored monthly and fines assessed on a quarterly basis. Therefore, each fine assessed per quarter will be assigned the same penalty level, which upon the determination that a fine is applicable, may be increased upon further violation in the following quarter.

In all instances where fines have been deemed applicable, the following structure may apply:

- (a) Level One Violation: For the first violation (i.e., all violations occurring in a particular quarter) a fine of \$25.00 may be assessed for each violation.
- (b) Level Two Violation: For the second violation (i.e., all violations occurring in a particular quarter after a level one violation has occurred) a fine of \$50.00 may be assessed for each violation.
- (c) Level Three Violation: For the third violation (i.e., all violations occurring in a particular quarter after a level two violation has occurred) a fine of \$75.00 may be assessed for each violation.
- (d) Level Four Violation: For the fourth violation (i.e., all violations occurring in a particular quarter after a level three violation has occurred) a maximum fine of \$100.00 may be assessed for each violation.

(6) Enforcement and penalties.

The Division of Gaming, the Liquor and Tobacco Enforcement Division, the Marijuana Enforcement Division, and the Racing Division are responsible for notifying the Department of Revenue of any discovered violation of 26-2-104 (2) (h) (II), C.R.S., or this Rule by the licensees under such Division's respective authority. The Division having regulatory authority over the licensee shall be responsible for the collection of fines on behalf of the Department of Revenue.

Editor's Notes

History

Entire rule eff. 01/01/2016.



COLORADO
Department of Revenue

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STATEMENT OF ADOPTION
COLORADO DEPARTMENT OF REVENUE
OFFICE OF EXECUTIVE DIRECTOR
ENFORCEMENT OF THE PROHIBITED USE OF ELECTRONIC BENEFITS TRANSFER
CARDS AT CERTAIN LOCATIONS, 1 CCR 210-4

Pursuant to the state Administrative Procedure Act, Title 24, Article 4, of the Colorado Revised Statutes, the above-referenced proposed Rule was considered at a public rule-making hearing held by the Colorado Department of Revenue on June 20, 2017, at the Gaming Commission Hearing Room, 17301 West Colfax Avenue, Suite 135, Golden, Colorado. All interested persons were given notice of said hearing and an opportunity to submit oral and written comments.

Having considered the matter, I, Heidi Humphreys, Deputy Executive Director of the Colorado Department of Revenue, promulgate the following rules:

Permanent Rules, Department of Revenue, ENFORCEMENT OF THE PROHIBITED
USE OF ELECTRONIC BENEFITS TRANSFER CARDS AT CERTAIN LOCATIONS, 1 CCR
210-4

(Secretary of State Filing Tracking Number 2017-00176)

Basis and Purpose (Amended)

Rule 1 (Current) - Construction

Rule 2 (Amended) - Definitions

Rule 3 (Current) - Responsibility of Licensee

Rule 4 (Current) - Prevention Measures

Rule 5 (Amended) - Exemptions

Rule 6 (Current) - Enforcement and Penalties

Signed this 19th day of July, 2017.

Barbara J. Brohl
Executive Director
Colorado Department of Revenue

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Tracking number: 2017-00176

Opinion of the Attorney General rendered in connection with the rules adopted by the

Executive Director of the Department of Revenue

on 07/19/2017

1 CCR 210-4

**ENFORCEMENT OF THE PROHIBITED USE OF ELECTRONIC BENEFITS TRANSFER CARDS AT
CERTAIN LOCATIONS**

The above-referenced rules were submitted to this office on 07/24/2017 as required by section 24-4-103, C.R.S. This office has reviewed them and finds no apparent constitutional or legal deficiency in their form or substance.

August 04, 2017 15:12:40

Cynthia H. Coffman
Attorney General
by Frederick R. Yarger
Solicitor General

Permanent Rules Adopted

Department

Department of Regulatory Agencies

Agency

Division of Professions and Occupations - Board of Nursing

CCR number

3 CCR 716-1

Rule title

3 CCR 716-1 NURSING 1 - eff 09/14/2017

Effective date

09/14/2017

DEPARTMENT OF REGULATORY AGENCIES

Division of Professions and Occupations - Board of Nursing

NURSING

3 CCR 716-1

[Editor's Notes follow the text of the rules at the end of this CCR Document.]

CHAPTER 5 – RULES AND REGULATIONS FOR LICENSURE OF PSYCHIATRIC TECHNICIANS

STATEMENT OF BASIS AND PURPOSE

The rules in Chapter 5 are adopted pursuant to authority granted the State Board of Nursing pursuant to Section 12-38-108(1)(k), C.R.S., in order to specify procedures used in obtaining and maintaining psychiatric technician licensure.

1. EXAMINATION INFORMATION

- 1.1 The State Board of Nursing (herein after referred to as the “Board”) determines the licensing examination for psychiatric technicians.
- 1.2 Any needed contract for the use of the examination will be approved by the Executive Officer or designee in the absence of the Executive Officer.
- 1.3 The examination will be administered by the Board at least annually at such times and places determined by the Board.
- 1.4 Candidates will be informed in writing regarding examination performance.
- 1.5 Applicants for licensure by examination must pass the written examination in three or fewer attempts within one (1) year of receipt of a complete psychiatric technician application. The Board retains the ability to grant a waiver for a fourth attempt of the exam upon petition of an applicant. The authority to grant a waiver is at the sole discretion of the Board.

2. APPLICANTS FOR LICENSURE MUST:

- 2.1. Apply in a manner approved by the Board.
- 2.2. Submit payment of application fee.
- 2.3. Submit proof of successful completion of an approved psychiatric technician program as described in Section 3 of these Chapter 5 Rules.
- 2.4. Successfully complete a state approved psychiatric technician licensure or registration examination.
- 2.5. Submit verification of high school graduation or equivalent.

- 2.6 Take an oath that they have not committed any crime that constitutes a violation of the Psychiatric Technician Practice Act.
- 2.7 Applicants for licensure by endorsement must also include verification of active licensure in another state or territory of the United States, provided the requirements in the other jurisdiction are substantially equivalent to those in Colorado at the time of application.

3. EDUCATION REQUIREMENTS FOR LICENSURE

- 3.1 Candidates for licensure must have successfully completed:
 - 3.1.1 A psychiatric technician program approved by the Colorado Board of Nursing; or
 - 3.1.2 An approved or accredited program outside Colorado that meets substantially the same educational requirements as Colorado programs; or
 - 3.1.3 United States military personnel who have education and training documented on an official transcript and determined to be substantially equivalent, as determined by the Board, to the psychiatric technician training program curriculum requirements in the Chapter 6 Rules and Regulations for Accreditation of Psychiatric Technician Programs will be eligible to take the Colorado licensing exam for psychiatric technicians as provided for in Section 24-34-102(8.5), C.R.S. and are subject to requirements of Section 2 of these Chapter 5 Rules and Regulations.

4. GENERAL RULES RELATING TO LICENSES

- 4.1 The Executive Officer of the Board has been delegated authority to administer examinations, issue licenses by endorsement and examination, renew licenses, and issue temporary licenses and permits to qualified applicants during the period between meetings.
- 4.2 Certificates are subject to renewal as set forth in Section 24-34-102, C.R.S.
 - A. The license may be renewed when the psychiatric technician maintains continued licensure prior to the expiration date of the license.
 - 1. Psychiatric technician license renewal applications received after the license expiration date, and prior to the end of the grace period, may be assessed a late fee.
 - 2. The licensee's online renewal confirmation or a receipt from the Board will be considered as proof of renewal until the renewed license is issued.
 - 3. Separate payments are required for each renewal application.
 - B. A psychiatric technician license not renewed within the renewal period including the 60-day grace period will be subject to reinstatement requirements.
- 4.3 Change of name and address:
 - A. The licensee must supply to the Board legal evidence of name change within 30 days of the effective date of the name change.

- B. The licensee must notify the Board within 30 days of any change of address. This notification may be submitted in writing or via the Board's on-line system.
- 4.4 Any application not completed within one (1) year of the date of the original application expires and will be purged.
- 4.5 Inactive status:
 - A. Licensees may apply for inactive status if not practicing as a psychiatric technician.
 - B. A licensee must notify the Board in writing of such inactive status. Prior to resumption of practice, the licensee shall be required to notify the Board and remit a renewal fee for the current annual period. After a five (5) year period in inactive status, the license may be renewed only by complying with provisions of licensure by examination as found in Section 2 of these Chapter 5 Rules and Regulations.

5. REINSTATEMENT

- 5.1 A licensee who does not renew his or her license with the 60 day grace period, as set forth in Section 24-34-102(8)(c), C.R.S., will have an expired license and is ineligible to practice until such license is reinstated.
- 5.2 The licensee must apply for reinstatement in a manner approved by the Board.
- 5.3 The licensee applying for reinstatement must pay an application fee.
- 5.4 A licensee who has practiced on an expired license may be subject to disciplinary action.
- 5.5 A licensee whose license has been expired less than two (2) years must comply with requirements of Sections 5.2 and 5.3 of these Chapter 5 Rules.
- 5.6 A licensee whose license has been expired for more than 2 years and less than 5 years must comply with Sections 5.2 and 5.3 of these Chapter 5 Rules and demonstrate competency to practice. Competency to practice for the purposes of this Section 5.6 of these Chapter 5 Rules may be demonstrated by:
 - A. Attesting to having an active psychiatric technician license in good standing in another state or territory of the United States and to having actively practiced as a psychiatric technician in that state or territory of the United States during the two (2) years immediately preceding the application receipt date; or
 - B. Retaking and passing the licensing examination for psychiatric technicians.
- 5.7 A licensee whose license has been expired for more than five (5) years must comply with Sections 5.2 and 5.3 of these Chapter 5 Rules and demonstrate competency to practice. Competency to practice for the purposes of this Section 5.7 of these Chapter 5 Rules and Regulations may be demonstrated by:
 - A. Attesting to having an active psychiatric technician license in good standing in another state or territory of the United States and to having actively practiced as a psychiatric technician in that state or territory of the United State during the two (2) years immediately preceding the application receipt date; or

- B. Provide evidence of having reentered and successfully completed an accredited psychiatric technician education program and retaking and passing the licensing examination for psychiatric technicians.

6 LICENSURE AS MILITARY SPOUSE

- 6.1 A military spouse as defined in Section 12-71-101(3), C.R.S. may practice in this state as a psychiatric technician for not more than one (1) year, as set forth in Section 12-71-102(1), C.R.S., before obtaining a license to practice in this state.

Adopted: January 9, 1997

Revised: October 24, 2012

Effective: December 15, 2012

Revised: January 22, 2013

Effective: March 18, 2013

Revised: July 26, 2017

DEPARTMENT OF REGULATORY AGENCIES

Division of Professions and Occupations - Board of Nursing

NURSING

3 CCR 716-1

[Editor's Notes follow the text of the rules at the end of this CCR Document.]

CHAPTER 6 – RULES AND REGULATIONS FOR ACCREDITATION OF PSYCHIATRIC TECHNICIAN PROGRAMS

General authority C.R.S. 12-38-108 (1)(k)

Specific Authority C.R.S. 12-38-108(1)(k)(II, III, and IV)

Purpose: To specify procedures and criteria relating to the approval of psychiatric technician training programs.

1. DEFINITIONS

Accreditation: Recognition that a psychiatric technician program (hereinafter referred to as program) is meeting the standards as established by the Board.

2. PURPOSE OF ACCREDITATION

To establish eligibility of graduates of approved programs to apply for licensure.

3. INITIAL PROCEDURES FOR ACCREDITATION

Phase I, Application Approval

- 3.1 The governing body establishing a new psychiatric technician program shall inform the Board in writing before initiation and such program shall have the approval of the Board.
- 3.2 An application shall be submitted on forms provided by the Board with the following information:
 - A. Description of the program to be established and an operational plan of how the body will develop a program which meets the standards for approval set forth in these Chapter 6 Rules.
 - B. Organizational structure.
 - C. Financial resources.
 - D. Ability of the geographic community to support adequately the program in relation to:
 1. Potential students,
 2. Student support services,

- 3. Faculty,
- 4. Written commitment of clinical resources,
- 5. Physical facilities, and
- 6. Number of patient populations with a variety of nursing needs.
- E. Accreditation of the university, college, vocational technical school or institution by the appropriate national or regional accrediting agency.
- F. Philosophy and purposes of the university, college, vocational technical school or institution.
- G. Tentative time table for initiating the program.
- H. Signatures of appropriate administrative officers.
- 3.3 The Board shall review the application within 90 days and may direct that a site visit occur before approval of the application. Such visit shall occur within a reasonable period of time after the Board directs a site visit.
- 3.4 A written report of the site visit shall be submitted to the Board and the appropriate administrative officers within a reasonable amount of time, not to exceed 60 days unless extended by the Board.
- 3.5 The Board shall advise the governing body concerning approval or disapproval of the application within 30 days of the Board's review. The Board shall specify the grounds for disapproval.
- 3.6 In the event of disapproval of the application, the Board shall grant a hearing, if requested, pursuant to the Nurse Practice Act and the Administrative Procedures Act.

Phase II, Interim Accreditation

- 3.7 The governing body shall secure a Director, with qualifications set forth in section 4.4 (B) (3) of this Rule 5, for the psychiatric technician program. The Director shall be responsible for providing compliance with this Chapter.
- 3.8 The Director shall prepare a written report for the Board showing evidence of meeting the requirements of section 4.2.
- 3.9 The Board shall determine whether the program is prepared to admit students and if so, grant interim accreditation. If not, the Board shall specify the grounds for disapproval and the program can request a hearing pursuant to the Nurse Practice Act and the Administrative Procedures Act.

Phase III, Full Accreditation

- 3.10 The Director shall:
 - A. Ensure the program is developed according to the rules and regulations for accreditation of this chapter.
 - B. Provide written progress reports as requested by the Board.

- 3.12 Prior to graduation of the first class, a report by the program shall be submitted to the Board addressing criteria as outlined in section 4 and a survey visit shall be made by site visitor(s) designated by the Board on a time frame established by the Board for consideration of accreditation of the program.
 - A. Notice of the Board's action to approve or disapprove shall be sent in writing to the administrative officer and the Director of the program within fourteen days of the Board's decision. If a program is disapproved, the Board shall provide with specificity the grounds for such.
 - B. In the event of disapproval of the application, the Board shall grant a hearing, if requested, pursuant to the Nurse Practice Act and the Administrative Procedures Act.

4. STANDARDS FOR ACCREDITING A PSYCHIATRIC TECHNICIAN PROGRAM

All psychiatric technician education programs must conform with generally accepted psychiatric technician nursing education standards.

- 4.1 Philosophy, purposes and objectives:
 - A. The faculty develops, approves, and periodically evaluates the philosophy, purposes and objectives of the psychiatric technician program. Such statements shall express the educational principles of the program and include a description of the graduate.
 - B. The statements of philosophy, purposes and objectives shall be utilized in planning, implementing and evaluating the total program.
- 4.2 Organization and administration:
 - A. There shall be a governing body which has the legal authority to conduct the psychiatric technician program, determine general policy and provide financial support for such program.
 - B. The governing body shall have in place policies regarding refunds of fees and tuition, and ethical standards for recruitment and advertising.
 - C. There shall be an organizational plan which demonstrates and describes the relationship of the psychiatric technician program to the governing body and the internal organization of the program.
 - D. There shall be a qualified Director with the authority, in accordance with the policies of the governing body, to:
 - 1. Prepare and administer a financial plan.
 - 2. Develop, implement and evaluate the psychiatric technician program.
 - 3. Arrange for educational facilities, clinical resources, and student services.
 - 4. Arrange for qualified faculty.

5. Plan for learning experiences with a variety of patient needs and obtain written agreements with the providers of clinical resources.
 6. Develop policies relating to admission, retention, progression, reentry and graduation of students.
 7. Provide for a system of permanent records and reports essential to the operation of the psychiatric technician program which shall include:
 - (a) Current and final official records for students.
 - (b) Current records of program activities such as minutes and reports.
 - (c) Faculty records which demonstrate compliance with faculty requirements as delineated in section 4.4.
 - (d) Annual report due on a schedule determined by the Board to be submitted to the Board (form furnished by the Board office) shall include, at a minimum:
 - (1) Developments in the psychiatric technician program;
 - (2) Student policies, including student health;
 - (3) Current problems and recommendations;
 - (4) Curriculum plan;
 - (5) Clinical resources including confirmation of adequate patient populations;
 - (6) Faculty list for the year including qualifications and area of responsibility;
 - (7) Listing of hours of instruction;
 - (8) School catalog;
 - (9) Audited financial report of the governing institution including statement of income and expenditures. This needs to be submitted only every two years on a schedule determined by the Board; and
 - (10) Proposals and plans for future development including either increases or decreases of 25% or greater in student numbers admitted, types of students, admission times and progression options.
 - (e) Biannual report including, but not limited to numbers of student admissions, graduations and faculty list.
- E. The amount of time allocated the Director for psychiatric technician administrative duties for one campus shall be related to the number of students enrolled in the psychiatric technician program at that campus. The Director may

delegate administrative duties and reflect appropriate release time for the delegated activities.

1. In a program with no more than 50 students, there shall be allotted a minimum of 25% of an FTE for administration.
 2. In a program with at least 51 students but no more than 110 students, there shall be allotted a minimum of 50% of an FTE to administration.
 3. In a program with at least 111 students but no more than 180 students, there shall be allotted a minimum of 75% of an FTE to administration.
 4. In a program with at least 181 students, there shall be at least the equivalent of a full FTE position devoted to administration.
- F. Personnel policies for the faculty of the psychiatric technician program shall be consistent with the faculty policies for the controlling body.
- G. There shall be a plan for an ongoing systematic evaluation of all aspects of the psychiatric technician program with evidence of implementation which includes student and community input.
- H. Written student policies shall be developed and made available to all students including, but not limited to, admission, progression and graduation requirements. These policies shall be consistent with those of the governing body. The school shall have a written policy regarding the dismissal of students for scholastic or other reasons and potential reentry. The program shall adhere to its set policies or have a rationale for exceptions.

4.3 Curriculum

- A. The curriculum shall be developed, implemented, controlled and evaluated by the faculty within the framework of the philosophy, purposes and objectives of the psychiatric technician program and policies of the governing body.
- B. The program outcomes shall identify the expectations for the students who complete the program and are used to:
- 1 Develop, organize, implement, evaluate and revise the curriculum.
 - 2 Identify objectives for courses.
 - 3 Select content related to the care of individuals experiencing mental and/or developmental disabilities. Program outcomes shall reflect the current scope of practice and, at a minimum, shall include 200 clock hours of theory and 200 clock hours of clinical practice. A psychiatric technician curriculum shall include, but not be limited to:
 - (a) Nursing principles, which shall include, but not be limited to, learning experiences to develop:
 - (I) An understanding of the principles of mental and physical health and the maintenance of health;

- (II) A knowledge of health services, community resources and the role of the psychiatric technician in these health services. The ability to perform the following functions as required:
 - (a) Activities concerned with daily hygiene;
 - (b) Activities concerned with prescribed therapeutic measures with an understanding of basic principles; and
 - (c) Observing the appearance and behavior of patients and reporting to appropriate persons.
 - (III) Ability to work with licensed physicians, professional nurses, dentists, and other treatment personnel in assisting with nursing situations;
 - (b) For psychiatric technicians working with the mentally ill, the curriculum shall include, but not be limited to, fundamentals of psychiatric and mental health nursing with learning experiences planned to develop the following:
 - (I) The knowledge, skills and attitudes necessary to function adequately as a contributing member of the psychiatric team;
 - (II) Understanding of self and patient relationship;
 - (III) Principles of psychiatric nursing including social and cultural studies, rehabilitation and special therapies.
 - (c) For psychiatric technicians working with the developmentally disabled, the curriculum shall include, but not be limited to:
 - (I) Intellectual Developmental Disability theory and practice;
 - (II) Human development; and
 - (III) Behavior management.
- 4 The number of faculty shall be determined by size of enrollment, number of classes admitted per year, number of agencies utilized for clinical instruction and methods of instruction.
- 5 Faculty-student ratio for clinical instruction should not exceed a 1:10 ratio.
- C. The implementation of the curriculum shall include:
 - 1 Development of outlines that identify essential aspects of each course.
 - 2 Utilization of a variety of teaching methods.
 - 3 Development and maintenance of an environment consistent with the philosophy and purposes of the program.

4 Facility and resource coordination.

- D. The organizational plan of the curriculum shall provide for time periods (terms, semesters, quarters) and identified sequencing of courses.
- E. Evaluation of the curriculum shall include a plan for ongoing systematic assessment of student achievement.

4.4 Faculty

- A. Only qualified nurse faculty shall teach basic nursing concepts.
- B. All nursing faculty shall:
 - 1 Hold a current license in good standing to practice as a Registered Nurse in Colorado.
 - 2 Have a minimum of one year of experience as a Registered Nurse in psychiatric nursing if teaching in a program preparing technicians to care for the mentally ill or in nursing care of the developmentally disabled if teaching in a program preparing technicians to care for the developmentally disabled.
 - 3 The Director of the psychiatric technician program, in addition to 4.4, shall have:
 - (a) A minimum of a baccalaureate degree in nursing.
 - (b) One years' teaching experience in a health related program.
- C. Non-nurse faculty shall have appropriate academic and professional preparation and experience in their field of teaching.

4.5 Resources and facilities:

- A. The Director shall be responsible for recommending and/or obtaining resources and facilities in accord with the program's philosophy and objectives as well as the policies of the governing body.
 - 1 Including:
 - (a) Classrooms, laboratories, conference rooms, and equipment for utilizing a variety of teaching methods.
 - (b) Library resources.
 - (c) Health care facilities sufficient to achieve the objectives of the program, with consideration given to:
 - (1) Quality of nursing service, including organization and nursing care.
 - (2) Administrative support.
 - (3) Number of programs and students using the facility.

- (4) Daily average census.
- (5) Licensure or accreditation by the appropriate authorities.

- 4.6 An approved psychiatric technician training program must maintain an average minimum pass rate for first-time test takers of at least sixty-five (65) percent during any eight (8) quarter period. First-time test takers are those individuals that test for the first time within one (1) year of completion from a Board approved psychiatric technician program.

5. CONTINUED ACCREDITATION

- 5.1 Regular periodic surveys for continued accreditation may be conducted by the Board on a date mutually acceptable to the Board and the program.
- 5.2 Accreditation of a program shall be continued by the Board provided the standards of the Board are met as set forth in this Chapter.
- 5.3 The Board's action regarding program review shall be sent to the governing body and the Director of the program with recommendations, if indicated.
- 5.4 The school may be visited at times other than the regularly scheduled survey visit, if deemed necessary by the Board.
- 5.5 Major program revisions shall be reported to the Board for approval Major program revision shall be defined to include, but not be limited to:
 - A. Major changes in program goals,
 - B. The number of hours required for successful completion of the program,
 - C. Change in required clinical practice hours.
 - D. Either an increase or decrease of 25% or greater in student numbers admitted, types of students, admission times and progression options.

6. WITHDRAWAL OF ACCREDITATION

- 6.1 The governing body and the Director of the program shall be notified in writing if the requirements of the statute and the standards set forth in this chapter are not fulfilled. Deficiencies shall be specified in the written communication.
- 6.2 The program shall have 30 days from the date of the letter to respond to deficiencies. Such response would be reviewed by the Board and a determination made to continue accreditation or withdraw accreditation.
- 6.3 The governing body and the Director shall be advised that requirements must be met within a year from the date of service of the notice of deficiencies at which time another survey visit shall be made to confirm the corrections or remaining deficiencies.
- 6.4 Conditional accreditation shall be given for the year to allow the identified deficiencies to be corrected.

- 6.5 Status reports regarding progress in meeting the identified deficiencies shall be submitted to the Board at each regularly scheduled Board meeting during the year of conditional accreditation.
- 6.6 At any time during the year, the program Director may request restoration to full accreditation if the program demonstrates correction of the deficiencies. The decision to restore full accreditation rests solely with the Board. If full accreditation is not restored, the original time period for conditional approval is still retained.
- 6.7 At any time during conditional approval, the Board staff shall be available for consultation with the program.
- 6.8 All students enrolled during the conditional accreditation must be informed in writing by the school that they shall not be eligible to take the licensure examination if the program loses its accreditation.
- 6.9 Accreditation of the program shall be withdrawn by the Board if the identified deficiencies are not corrected as confirmed on a survey visit within the one year period.
- 6.10 The program may appeal the decision to withdraw accreditation by requesting a hearing within 60 days of service of the notice to withdraw.
- 6.11 Such a hearing shall be heard before the Board subject to the provisions of the Administrative Procedures Act and the Nurse Practice Act regarding the conducting of hearings.

7. CLOSING OF PROGRAMS

- 7.1 Programs desiring to close shall notify the Board of such intention.
- 7.2 If the program is closed, the controlling agency shall be responsible for the permanent safekeeping of the student transcripts.

8. CHANGE OF CONTROL

- 8.1 When a program changes administrative control, the new authority shall notify the Board.

Revised: July 26, 2017

DEPARTMENT OF REGULATORY AGENCIES

Division of Professions and Occupations

3 CCR 716-1

CHAPTER 14

RULES AND REGULATIONS TO REGISTER PROFESSIONAL NURSES QUALIFIED TO ENGAGE IN ADVANCED PRACTICE NURSING

BASIS: The authority for the promulgation of these rules and regulations by the State Board of Nursing ("Board") is set forth in sections 12-38-108(1)(d) and (j), 12-38-111.5, and 12-38-111.8, C.R.S.

PURPOSE: These rules are adopted to implement the Board's authority to register professional nurses qualified to engage in Advanced Practice Nursing and are further adopted to set forth the requirements and procedures for being so registered.

1. DEFINITIONS

- 1.1. Accrediting Body: Any organization that establishes and maintains standards for professional nursing programs and recognizes those programs that meet these standards and is recognized by the U.S. Department of Education (USDE) and/or the Council for Higher Education Accreditation (CHEA), including the Commission on Collegiate Nursing Education (CCNE), National League for Nursing Accrediting Commission (NLNAC), Council on Accreditation of Nurse Anesthesia Education Programs (COA), Accreditation Council for Midwifery Education (formerly the Division of Accreditation) of the American College of Nurse Midwives, and the National Association of Nurse Practitioners in Women's Health Council on Accreditation.
- 1.2. Advanced Practice Nurse (APN): A master's prepared nurse holding a graduate degree in advanced practice nursing who has completed a graduate or post-graduate program of study in an advanced practice Role and/or Population Focus, in an accredited advanced practice nursing program and has been recognized and included on the Advanced Practice Registry (APR) by the Board. APN Roles recognized by the Board are nurse practitioner (NP), certified registered nurse anesthetist (CRNA), certified nurse midwife (CNM) and clinical nurse specialist (CNS). A nurse seeking recognition as an APN must be academically prepared for the expanded scope of practice described as Advanced Practice Nursing.
- 1.3. Advanced Practice Nursing: The expanded scope of nursing practice in an advanced Role and/or Population Focus approved by the Board.
- 1.4. Advanced Practice Registry (APR): The Board's registry of those professional nurses who apply for, and meet the criteria for inclusion as established in accordance with section 12-38-111.5, C.R.S. and these Chapter 14 Rules.
- 1.5. Applicant: A professional nurse seeking inclusion on the APR as an APN.
- 1.6. Board: The State Board of Nursing.
- 1.7. Certifying Body: A non-governmental agency approved by the Board that validates by examination, based on pre-determined standards, an individual nurse's qualifications and knowledge for practice in a defined functional or clinical area of nursing.

- 1.8. Client: A person receiving nursing care.
- 1.9. Independent Practice: The practice of advanced practice nursing as defined in section 12-38-103(8.5), C.R.S. for which the APN is solely responsible and performs on his/her own initiative, and which occurs in a setting for which no exception as set forth in section 3.2 of these rules applies.
- 1.10. Population Focus: A broad, population-based focus of study encompassing the common problems of that group of patients and the likely co-morbidities, interventions and response to those problems. Examples include, but are not limited to: Neonatal, Pediatric, Women's Health, Adult, Family, Mental Health, etc. A Population Focus is not defined as a specific disease/health problem or specific intervention.
- 1.11. Role: The advanced practice area or position for which the professional nurse has been prepared; Nurse Practitioner (NP) Certified Registered Nurse Anesthetist (CRNA), Certified Nurse Midwife (CNM) and Clinical Nurse Specialist (CNS).
- 1.12. Unencumbered: No pending disciplinary action or current restriction to practice in the state of Colorado.

2. REQUIREMENTS FOR INCLUSION ON THE ADVANCED PRACTICE REGISTRY

- 2.1. A professional nurse may request inclusion on the APR by original registration or by endorsement.
- 2.2. Applicants must possess an active, unencumbered Colorado or multi-state compact professional nurse license.
- 2.3. Submit an APR application in a manner approved by the Board.
- 2.4. Original registration
 - 2.4.1 Educational Requirements: The successful completion of a graduate or post-graduate nursing degree in the Role and, where applicable, the Population Focus, or equivalent as determined by the Board, for which the Applicant seeks inclusion on the APR. Verification of educational requirements shall be evidenced by receipt of either an official transcript from a graduate or post-graduate APN program accredited by a nursing Accrediting Body, or by proof of a current national certification from a nationally recognized accrediting agency, as approved by the Board, in the appropriate role and population focus the applicant intends to practice. The transcript shall verify date of graduation, credential conferred, and Population Focus of the program.
 - 2.4.2 Certification Requirements
 - A. Certification requirements for Certified Registered Nurse Anesthetist (CRNA): A CRNA must pass the national certification examination as administered by the Council on Certification of Nurse Anesthetists. Verification of current certification or recertification from the Council on Certification of Nurse Anesthetists or the Council on Recertification of Nurse Anesthetists, as may be appropriate, shall be submitted by the applicant as part of the application process, or in another manner approved by the Board.

- B. Certification Requirements for Certified Nurse-Midwife (CNM): A CNM must meet the standards for education and certification established by the American College of Nurse-Midwives American Midwifery Certification Board (AMCB) formerly known as ACNM Certification Council (ACC, Inc.). Verification of current AMCB certification shall be submitted by the applicant as part of the application process, or in another manner approved by the Board.
- C. Certification requirements for Nurse Practitioner (NP): A NP must meet the standards for education and certification established by a national certifying body approved by the Board. Verification of current certification or recertification, as may be appropriate, shall be submitted by the applicant as part of the application process, or in another manner approved by the Board.
- D. Certification requirements for Clinical Nurse Specialist (CNS): A CNS must meet the standards for education and certification established by a national certifying body approved by the Board. Verification of current certification or recertification, as may be appropriate, shall be submitted by the applicant as part of the application process, or in another manner approved by the Board.

2.5 Registration by Endorsement

- A. A professional nurse may be included on the advanced practice registry by endorsement if:
 - a. The professional nurse is recognized as an advanced practice nurse in another state or jurisdiction and has practiced as an advanced practice nurse for at least two of the last five years immediately preceding the date of application for inclusion in the advanced practice registry. Verification of such licensure/recognition and active practice shall be submitted by the applicant as part of the application process or in another manner approved by the Board; or
 - b. The professional nurse holds active national certification, as described in section 2.4.2 above, in the Role and, where application, the Population Focus for which the Applicant seeks inclusion on the APR and possesses an appropriate graduate degree as determined by the board. Verification of current certification or recertification, as may be appropriate, shall be submitted by the applicant as part of the application process or in another manner approved by the Board.
 - c. For purposes of section 2.5(A)(b), an appropriate graduate degree requires verification evidenced by either receipt of an official transcript from a graduate or post-graduate Advanced Practice Nursing program accredited by a nursing Accrediting body. Upon petition by the applicant, and with due consideration of the need to protect the public, the Board may accept an alternative graduate degree in support of endorsement under section 2.5(A)(b) above. It is anticipated that such alternative graduate degree will rarely be used. The decision to accept an alternative graduate degree is at the sole discretion of the Board.
 - d. Advanced practice credentials issued by the United States Military are deemed to be substantially equivalent to advanced practice authority in another state or jurisdiction.

2.6 Registration of Additional Population Focuses for Advanced Practice Registration

- 2.6.1 Submit an APR application on the current Board approved form and submit required fees.
- 2.6.2 Successful completion of a graduate or post-graduate nursing degree in the Role and, where applicable, the Population Focus, or equivalent as determined by the Board, for which the Applicant seeks inclusion on the APR. Verification of educational requirements shall be evidenced by either receipt of an official transcript from a graduate or post-graduate Advanced Practice Nursing program accredited by a nursing Accrediting Body, or by proof of a current national certification from a nationally recognized accrediting agency, as approved by the Board, in the appropriate role and population focus the applicant intends to practice. The transcript shall verify date of graduation, credential conferred, and Population Focus of the program.
- 2.6.3 Verification of active certification in the Role and, where applicable, the Population Focus, or equivalent as determined by the Board, for which the Applicant seeks inclusion on the APR shall be submitted by the applicant as part of the application process, or in another manner approved by the Board.

3. REQUIREMENTS FOR PROFESSIONAL LIABILITY INSURANCE

- 3.1 Pursuant to the requirements of section 12-38-111.8 (1), C.R.S., it is unlawful for any APN engaged in an Independent Practice of professional nursing to practice within the state of Colorado unless the APN purchases and maintains or is covered by professional liability insurance in an amount not less than five hundred thousand dollars per claim with an aggregate liability for all claims during the year of one million five hundred thousand dollars.
- 3.2 Pursuant to these rules, an APN whose Independent Practice falls entirely within one or more of the following categories is exempt from the professional liability insurance requirements set forth in section 12-38-111.8, C.R.S.:
 - 3.2.1 A federal civilian or military APN whose practice is limited solely to that required by his or her federal/military agency.
 - 3.2.2 An APN who is covered by individual professional liability coverage (or an alternative which complies with section 12-38-111.8(1), C.R.S.) or liability insurance that is maintained by an employer/contracting agency in the amounts set forth in section 12-38-111.8(1), C.R.S.
 - 3.2.3 An APN who provides uncompensated health care; or
 - 3.2.4 An APN who practices as a public employee under the "Colorado Governmental Immunity Act, sections 24-10-101 thru – 118, C.R.S."
- 3.3 In order to establish eligibility for an exemption from the statutory financial responsibility requirements, an APN must provide such information as may be requested by the Board.

4. SCOPE OF ADVANCED PRACTICE NURSING

- 4.1 An APN shall practice in accordance with the standards of the appropriate national professional nursing organization and have a safe mechanism for consultation or

collaboration with a physician or, when appropriate, referral to a physician. Advanced practice nursing also includes, when appropriate, referral to other health care providers.

- 4.2 The scope of Advanced Practice Nursing is based on:
 - 4.2.1 The professional nurse's scope of practice within the APN's Role and Population Focus;
 - 4.2.2 Graduate or post-graduate nursing education in the Role and/or Population Focus for which the APN has been recognized by the Board for inclusion on the APR.
- 4.3 The scope of Advanced Practice Nursing may include, but is not limited to: performing acts of advanced assessment, diagnosing, treating, prescribing, ordering, selecting, administering, and dispensing diagnostic and therapeutic measures.
- 4.4 Prescribing medication is not within the scope of practice of an APN unless the APN has applied for and been granted Prescriptive Authority by the Board.

5. WITHDRAWAL OF ADVANCED PRACTICE REGISTRATION

- 5.1 An APN may request to voluntarily withdraw the nurse's registration as an APN in each Role and/or Population Focus in which the nurse was granted inclusion on the APR by the Board.
- 5.2 The Board may withdraw an APN's registration from the APR in one or more of the Roles/Specialties or Population Foci in which the APN was granted recognition, if the APN no longer meets the requirements for inclusion on the APR or the APN is subject to discipline under section 12-38-117, C.R.S., in accordance with the procedures set forth in section 12-38-116.5, C.R.S.

6. RENEWAL AND REINSTATEMENT OF ADVANCED PRACTICE REGISTRATION

- 6.1 Renewal of an APN's registration on the APR is required at the time of the APN's Colorado professional nurse license renewal. Multi-state compact licensed professional nurses granted inclusion on the APR shall be required to renew their registration every two years and the registration shall be issued with a specific expiration date.
- 6.2 An APN who has failed to timely renew the APN registration may apply to reinstate such registration. The nurse shall submit an application on the current Board approved application forms, pay the current application fee, and submit required documentation as set forth in section 2 of these rules for each Role and/or Population Focus in which the Applicant wishes to practice Advanced Practice Nursing.
- 6.3 The Applicant may be required to demonstrate continued competency by:
 - 6.3.1 Meeting the requirements to maintain certification by a Certifying Body, or
 - 6.3.2 Petitioning the Board with an alternative method of establishing competency.
- 6.4 Reinstatement of an APN's registration following disciplinary action requires compliance with all requirements set forth in section 2 of these Chapter 14 Rules and any requirements set forth by the Board.

- 6.5 An APN who was included in the APR as of June 30, 2008, but had not successfully completed the educational requirements as set forth in section 12-38-111.5(4)(c), C.R.S., will meet the education requirements set forth in 2.4.1 or 2.5.2 of these rules.
- 6.6 An APN who was included in the APR as of June 30, 2010, has not obtained national certification as set forth in section 12-38-111.5(4)(d), C.R.S., will meet the certification requirements set forth in 2.2 of these rules.

7. DISCIPLINE OF ADVANCED PRACTICE NURSES

- 7.1 APN disciplinary procedures shall be the same as set forth in sections 12-38-116.5 and 12-38-117, C.R.S.

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Effective:

DEPARTMENT OF REGULATORY AGENCIES

Division of Professions and Occupations

3 CCR 716-1

CHAPTER 15

RULES AND REGULATIONS FOR PRESCRIPTIVE AUTHORITY FOR ADVANCED PRACTICE REGISTERED NURSES

BASIS: The authority for the promulgation of these rules and regulations by the State Board of Nursing ("Board") is set forth in Sections 12-38-108(1)(j) and 12-38-111.6 of the Colorado Revised Statutes (C.R.S.).

PURPOSE: Section 12-38-111.6(4.5), C.R.S. sets forth the legal requirements for an Advanced Practice Registered Nurse (APRN) to obtain prescriptive authority in Colorado. First, the APRN must obtain Provisional Prescriptive Authority. Generally, those requirements are:

- Completion of the appropriate graduate degree or post-graduate degree or certificate, as determined by the Board, in the advanced practice Role and, if applicable, Population Focus;
- Satisfactory completion of educational requirements, as determined by the Board, in the use of controlled substances and prescription drugs;
- National certification by a nationally recognized certifying body, as determined by the Board, in the Role and, if applicable, Population Focus of the APRN, unless the Board grants an exception; and
- Completion of at least three (3) years of combined clinical work experience as a professional nurse and/or as an APRN.

Upon receiving Provisional Prescriptive Authority, the APRN is legally authorized to prescribe medications and controlled substances schedules II-V to patients appropriate to the APRN's Role and, if applicable, Population Focus. Within three (3) years of receiving Provisional Prescriptive Authority the APRN with Provisional Prescriptive Authority (hereinafter referred to as RXN-P) must:

- Complete a 1000 hour Mentorship with a Physician or an Advanced Practice Nurse with Full Prescriptive Authority and experience in prescribing medications; and
- Develop an Articulated Plan for safe prescribing.

If the RXN-P does not complete these additional requirements within three (3) years of receiving Provisional Prescriptive Authority such authority will expire for failure to comply with statutory requirements.

The purpose of these rules is to further clarify each of the statutory requirements, with the exception of professional liability insurance, which can be found in Chapter 14 of the Board's Rules and Regulations. These rules apply only to prescribing authority and should not be construed to govern other relationships between APRNs and health care providers in other situations.

1 DEFINITIONS

- 1.1 Accrediting Agency: An organization that establishes and maintains standards for professional nursing programs and recognizes those programs that meet these standards and is recognized by US Department of Education (USDE) and/or the Council for Higher Education Accreditation (CHEA), including the Commission on Collegiate Nursing Education (CCNE), Accreditation Commission for Education in Nursing (ACEN), Council on Accreditation of Nurse Anesthesia Educational Programs (COA), and Accreditation Council for Midwifery Education.
- 1.2 Advanced Practice Registered Nurse (APRN): A professional nurse who meets the requirements of Section 12-38-111.5, C.R.S., who obtained specialized education or training and is included on the Advanced Practice Registry.
- 1.3 Advanced Practice Registry (APR): The Board's record of those professional nurses who are granted APRN status by the Board in accordance with Section 12-38-111.5, C.R.S. and Chapter 14 of the Board's Rules and Regulations.
- 1.4 Applicant: An APRN seeking Provisional Prescriptive Authority in the same Role and, if applicable, Population Focus for which the APRN was recognized on the APR.
- 1.5 Articulated Plan (Plan): A documented plan for safe prescribing, setting forth the RXN's plans to maintain ongoing collaboration with physicians and other health care professionals in connection with the RXN's practice of prescribing medications within their Role and, if applicable, Population Focus, as set forth in Section 6 of these Chapter 15 Rules. The Articulated Plan must include: a mechanism for consultation or collaboration and referral; a quality assurance plan employed by the RXN to assure safe prescribing; decision support tools for safe prescribing; and ongoing continuing education in pharmacology and safe prescribing within the RXN's Role and, if applicable, Population Focus.
 - 1.5.1 Original Articulated Plan (Original): The initial Articulated Plan developed to obtain Full Prescriptive Authority. The development of the Original Articulated Plan will be documented by the signature of the Mentor, or when applying under Section 8.2 of these Chapter 15 Rules the Physician meeting the requirements of Section 1.12, or RXN meeting the requirements of Section 1.13, verifying such development pursuant to Section 6 of these Chapter 15 Rules.
 - 1.5.2 Updated Articulated Plan (Updated): Changes to the Original Plan, as needed pursuant to Section 6.4.1 of these Chapter 15 Rules. An Updated Plan may replace and may be a re-write of the Original Plan and must address all of the elements included in the Original Plan. The Updated Plan does not require signatures of Mentors, Physicians or other RXNs.
- 1.6 Board: The State Board of Nursing.
- 1.7 Certifying Body: A non-governmental agency approved by the Board that validates by examination, based on pre-determined standards, an individual nurse's qualifications and knowledge for practice in a defined APRN Role and, if applicable, Population Focus.

- 1.8 Clinical Work Experience: Any relevant experience accumulated as a professional nurse or an advanced practice registered nurse, including paid or unpaid work experience, volunteer work, or student work. The gratuitous care of friends or members of the family is not included in Clinical Work Experience.
- 1.9 DEA: Drug Enforcement Administration.
- 1.10 Disciplinary Sanction: Any current restriction, limitation, encumbrance or condition on a Physician Mentor's medical license or on a RXN Mentor's nursing license, including confidential participation in peer health assistance or an alternative to discipline program authorized by the Mentor's licensing board.
- 1.11 Full Prescriptive Authority: The authority granted to the RXN to prescribe medications upon completion of the requirements set forth in Section 4.2 of these Chapter 15 Rules.
- 1.12 Mentor: Physician Mentor: A person who holds a license to practice medicine in Colorado or a physician who is otherwise exempted from licensure pursuant to Section 12-36-106(3)(i), C.R.S. The physician's license must be in good standing without Disciplinary Sanction as defined in Section 1.10 above. The Physician Mentor must be actively practicing medicine in the State of Colorado and shall have education, training, experience and a practice that corresponds with but need not be identical to the Role and, if applicable, Population Focus of the RXN-P. The Physician Mentor must also have an unrestricted DEA registration.
- 1.13 Mentor: RXN Mentor: A professional nurse who has met the qualifications for an APRN, is included on Colorado's APR, has Full Prescriptive Authority in Colorado, and has experience prescribing medications with full prescriptive authority preceding the beginning of the Mentorship. The RXN Mentor's nursing license must be without Disciplinary Sanction as defined in Section 1.10 above. The RXN Mentor shall have an active practice in Colorado and shall have education, training, experience and a practice that corresponds with, but need not be identical to, the Role and, if applicable, Population Focus of the RXN-P. The RXN Mentor must have an unrestricted DEA registration.
- 1.14 Mentorship: A formal, Mutually Structured relationship between an RXN-P as defined in Section 1.24 below, and a Physician Mentor or RXN Mentor to further the RXN-P's knowledge, skill, and experience in prescribing.
- 1.15 Mentorship Agreement: A mutually structured agreement documented in writing and signed by the RXN-P and the Mentor(s) which outlines a process and frequency for ongoing interaction and discussion of prescriptive practice throughout the Mentorship between the Mentor(s) and the RXN-P to assure safe prescribing practice.
- 1.16 Mutually Structured: Developed, implemented, and agreed upon by the RXN-P and the Mentor(s).
- 1.17 Pathophysiology: A minimum of three (3) semester hours or four (4) quarter hours completed either as part of a degree program or in addition to a degree program at the graduate or post-graduate level in an accredited nursing program for which graduate credit has been awarded with an emphasis appropriate to the Role and, if applicable, Population Focus of the APRN, including but not limited to pathophysiologic processes of all body systems.
- 1.18 Pharmacology: A minimum of three (3) semester credit hours or four (4) quarter hours completed either as part of a degree program or in addition to a degree program at the graduate or post-graduate level in an accredited nursing program for which graduate credit has been awarded with an emphasis appropriate to, but need not be identical to the Role and, if applicable, Population Focus of the APRN, including but not limited to the study of pharmacotherapeutics and pharmacokinetics of broad categories of pharmacological agents.

- 1.19 Physical Assessment: A minimum of three (3) semester hours or four (4) quarter hours completed either as part of a degree program or in addition to a degree program at the graduate or post-graduate level in an accredited nursing program for which graduate credit has been awarded with an emphasis appropriate to the Role and, if applicable, Population Focus of the APRN including, but not limited to comprehensive history taking; physical and psychological assessment; pathophysiologic and psychopathologic status of the patient; and development of a clinical diagnosis and management plan.
- 1.20 Population Focus: A broad area of study encompassing the common problems of a specific group of patients and the likely co-morbidities, interventions and responses to those problems including, but not limited to, the following areas of practice: primary care across the life span, adults/geriatrics, pediatrics, neonates, women, acute care adults/geriatrics or pediatrics, psychiatry and mental health across the life span. A Population Focus is not defined as a specialty, specific disease, health problem or intervention.
- 1.21 Provisional Prescriptive Authority: The authority granted to the Applicant to prescribe medications within the Role and, if applicable, Population Focus of the APRN pursuant to Section 4.1 and Section 8.2 of these Chapter 15 Rules.
- 1.22 Role: The advanced practice area for which the Applicant has been prepared including nurse practitioner (NP), certified nurse midwife (CNM), certified registered nurse anesthetist (CRNA), and/or clinical nurse specialist (CNS).
- 1.23 RXN: An APRN who is listed on the APR and who has been granted Full Prescriptive Authority by the Board.
- 1.24 RXN Provisional (RXN-P): An APRN who is listed on the APR and who has been granted Provisional Prescriptive Authority by the Board.
- 1.25 Synchronous Communication: Real-time communication; existing or happening at the same time; occurring at the same moment of time; simultaneous. Synchronous Communication will be conducted in a secure manner to safeguard protected information. Synchronous Communication may include the use of electronic communication tools such as audio, web or video conferencing. Synchronous Communication does not include email communications.
- 1.26 Unencumbered: No current restriction to practice in the state of Colorado.

2 EDUCATIONAL REQUIREMENTS FOR PRESCRIPTIVE AUTHORITY

- 2.1 An Applicant for prescriptive authority must have successfully completed an appropriate graduate degree or post-graduate degree or certification as determined by the Board in the Role and, if applicable, Population Focus for which the Applicant seeks prescriptive authority. Such coursework shall include a minimum of three (3) graduate semester hours or four (4) quarter hours, or the equivalent thereof, as determined by the Board, in each of the following: Pathophysiology, Pharmacology and Physical Assessment. The coursework in Pharmacology shall include education on prescribing drugs and controlled substances.
- 2.2 The transcript shall verify date of course completion, grade and credits awarded. Applicants may provide copies of course descriptions or course syllabi when the required coursework in Physical Assessment, Pathophysiology, and Pharmacology is integrated into broad categories of advanced practice courses or when course titles do not accurately reflect course content.
- 2.3 Letters of verification from the education program may be accepted as documentation for the educational requirements of Physical Assessment, Pathophysiology, and Pharmacology. Applicants may petition the Board on a case-by-case basis for a waiver. The decision to grant or deny such waiver shall be at the sole discretion of the Board.

3 NATIONAL CERTIFICATION REQUIREMENT

- 3.1 Pursuant to Section 12-38-111.6 (4.5)(a)(III) C.R.S., an APRN applying for prescriptive authority must obtain and maintain national certification from a recognized Certifying Body.
- 3.2 Certification requirements for Nurse Practitioner (NP) or Clinical Nurse Specialist (CNS): A Nurse Practitioner (NP) or Clinical Nurse Specialist (CNS) must pass the national certification examination as administered by a Certifying Body in the Role and Population Focus for which the APRN is applying for prescriptive authority. Documentation required shall be verification of current certification or recertification from the Certifying Body, as approved by the Board.
- 3.3 Certification requirements for Certified Registered Nurse Anesthetist (CRNA): Certified Registered Nurse Anesthetist (CRNA) must pass the national certification examination as administered by the Council on Certification of Nurse Anesthetists. Documentation required shall be verification of current certification or recertification from the Council on Certification of Nurse Anesthetists or the Council on Recertification of Nurse Anesthetists, as approved by the Board.
- 3.4 Certification Requirements for Certified Nurse-Midwife (CNM): A Certified Nurse-Midwife must meet the standards for education and certification established by the American Midwifery Certification Board (AMCB). Documentation required shall be verification of status as a current holder of an AMCB certificate.
- 3.5 If the Applicant cannot meet the requirements for national certification, the Applicant may petition the Board for an exception. Exceptions will be reviewed on a case-by-case basis. The decision to grant or deny such exception shall be at the sole discretion of the Board.

4 REQUIREMENTS FOR PRESCRIPTIVE AUTHORITY

- 4.1 Requirements for Provisional Prescriptive Authority.
 - 4.1.1 Must apply in a manner approved by the Board;
 - 4.1.2 Pay application fee;
 - 4.1.3 Submit proof of an appropriate degree and satisfactory completion of education requirements as described in Section 2 of these Chapter 15 Rules;
 - 4.1.4 Submit verification of National Certification as described in Section 3 of these Chapter 15 Rules, unless the Board grants an exception;
 - 4.1.5 An attestation of having professional liability insurance pursuant to Section 12-38-111.8, C.R.S. and Chapter 14 Rules and Regulations;
 - 4.1.6 Submit verification of inclusion on the Advanced Practice Registry pursuant to Section 12-38-111.5, C.R.S.;
 - 4.1.7 An attestation stating the Applicant has completed at least three (3) years of Clinical Work Experience, as defined in Section 1.8 of these Chapter 15 Rules;
 - 4.1.8 An attestation stating that the Applicant's Mentor(s) meets requirements in Section 1.12 or 1.13 of these Chapter 15 Rules; and
 - 4.1.9 Has an active professional nurse and APRN license that is in good standing and without disciplinary sanctions or significant adverse prescribing as determined by the Board.
- 4.2 Requirements for Original Full Prescriptive Authority.
 - 4.2.1 Submit an application in a manner approved by the Board which includes:

- A. An attestation of successful completion of 1000 hours of experience in a Mentorship.
 - B. An attestation of development of an Articulated Plan as described in Section 6 of these Chapter 15 Rules; and
 - C. An attestation, signature, and license number of the Mentor verifying the development of the Articulated Plan for safe prescribing in accordance with these Chapter 15 Rules.
- 4.2.2 The application for Full Prescriptive Authority must be submitted within three (3) years of being granted Provisional Prescriptive Authority or if applying under Section 8.2 of these Chapter 15 Rules within one (1) year of being granted Provisional Prescriptive Authority.
- A. If the RXN-P cannot meet the requirements in Section 4.2.2, the RXN-P may petition the Board for an exception to demonstrate competence. Exceptions will be reviewed on a case-by-case basis. The decision to grant or deny such exception will be at the sole discretion of the Board.
- 4.3 Any application not completed within one (1) year of the date of receipt of the application expires and will be purged.

5 MENTORSHIP REQUIREMENTS

- 5.1 To obtain Full Prescriptive Authority, the RXN-P must complete 1000 hours of documented experience in a Mentorship. The Mentorship shall be conducted with either a Physician Mentor or RXN Mentor [hereinafter referred to as Mentor(s)] as defined in Sections 1.12 and 1.13, respectively. The Mentorship must be completed within three (3) years after Provisional Prescriptive Authority is granted.
- 5.1.1 This Section 5 does not apply to the RXN-P with prescriptive authority and at least 1000 hours of prescribing experience in another state, US jurisdiction or United States military applying for Full Prescriptive Authority as set forth in Section 8.2 of these Chapter 15 Rules.
- 5.2 The Mentorship Agreement shall contain the following elements:
- 5.2.1 Is documented in writing and signed by the RXN-P and the Mentor(s).
 - 5.2.2 Outlines a process, documentation, and frequency for ongoing Synchronous Communication, interaction and discussion of prescriptive practice throughout the Mentorship between the Mentor(s) and the RXN-P to provide for safe prescribing practice.
- 5.3 The Mentorship Agreement shall be retained for a period of three (3) years by the RXN and the Mentor(s) following completion of the Mentorship and shall be available to the Board upon request.
- 5.4 The RXN-P and the Mentor(s) shall provide documentation of the successful completion of the Mentorship as requested by the RXN-P to complete an application to obtain Full Prescriptive Authority. The Mentor(s) shall not, without good cause, withhold his/her signature or otherwise fail to attest to the completion of the Mentorship. Upon submission of the application and development of the Articulated Plan as set forth in Section 6 of these Chapter 15 Rules, the RXN-P may be granted Full Prescriptive Authority.
- 5.5 If a circumstance such as retirement, illness, relocation or other event precludes any Mentor from continuing in the Mentorship, the RXN-P shall secure a replacement Mentor and enter into a new, Mutually Structured Mentorship. Any hours accrued during the period of time in which the RXN-P does not have a Mentor will not be credited toward completion of the 1000 hour Mentorship.
- 5.6 The Mentor(s) shall not require payment or employment as a condition of entering into the mentor

relationship. The Mentorship relationship should not be financially burdensome to either party. In recognition of the Mentor(s) time and expertise, reasonable expenses may be paid. Compensation by the RXN-P to the Mentor(s) should be agreed upon as part of the Mutually Structured Mentorship, shall comply with standards of fair market value, and shall not be onerous or otherwise present a barrier to completion of the Mentorship.

6 ARTICULATED PLAN

6.1 To obtain Full Prescriptive Authority, the RXN-P must develop an Articulated Plan for safe prescribing within three (3) years after Provisional Prescriptive Authority is granted. The RXN-P's Mentors are required to provide a one-time signature on the Articulated Plan to verify that the RXN-P has developed the plan for safe prescribing in accordance with these Rules.

6.2 To obtain Full Prescriptive Authority when applying as an APRN with prescriptive authority in another state, under Section 8.2 of these Chapter 15 Rules, the RXN-P must develop an Articulated Plan for safe prescribing within one (1) year after Provisional Prescriptive Authority is granted. The RXN-P will obtain a one-time signature of a Physician or RXN who meets the requirements set forth in Sections 1.12 and 1.13 of these Rules. Such signature verifies that the RXN-P has developed an Articulated Plan for safe prescribing in accordance with these Rules.

6.3 The Articulated Plan shall contain the following elements:

6.3.1 General information about the RXN-P and the Articulated Plan including:

- A. Name of the RXN-P;
- B. Role and, if applicable, Population Focus of the RXN-P;
- C. Practice Setting of the RXN-P;
- D. Signature of the Mentor(s), or Physician or RXN meeting the requirements of Sections 1.12 and 1.13 of these Rules, verifying development of the Articulated Plan; and
- E. Date the Articulated Plan was developed.

6.3.2 Documents a mechanism for consultation or collaboration with physicians and other appropriate health care providers and a mechanism for referral, when appropriate, to physicians and other appropriate health care providers for issues regarding prescribing.

6.3.2.1 Such documentation shall include a written statement or plan that delineates the resources or contacts available to assist the RXN with regard to issues relating to safe prescribing and prescriptive authority.

6.3.2.2 Such documentation shall also include a written statement or plan for the maintenance of ongoing collaboration with other health care professionals with regard to issues relating to safe prescribing and prescriptive authority.

6.3.3 Sets forth a quality assurance plan for safe prescribing.

6.3.3.1 A quality assurance plan is an individualized process by which an RXN seeks to evaluate the efficacy and quality of his or her prescribing practices. Such measures may include, but are not limited to, peer review, periodic chart audits, prescription audits on the Colorado Prescription Drug Monitoring Program, use of an electronic decision support system and utilization review. The quality assurance plan shall address and be relevant to the RXN's Role and, if applicable, Population Focus.

6.3.4 Identifies decision support tools the RXN may utilize for prescribing medications.

- 6.3.4.1 A decision support tool is an assistive tool commonly recognized by healthcare professionals as a valid resource for information on pharmaceutical agents or to aid the RXN in making appropriate judgments regarding safe prescribing. Such tools may include, but are not limited to, electronic prescribing databases, evidenced-based guidelines, antimicrobial reference guides, professional journals and textbooks.
- 6.3.5 Documents the RXN's ongoing continuing education in pharmacology and safe prescribing.
 - 6.3.5.1 Such documentation shall include a personal record of the RXN's participation in programs with content in pharmacology and safe prescribing within the RXN's Role and, if applicable, Population Focus for which continuing education credits or certificates of completion are awarded. The RXN must maintain up to five (5) years, if applicable, of documentation of continuing education in the Articulated Plan.
- 6.4 The RXN must review the Articulated Plan at least annually after Full Prescriptive Authority has been granted by the Board and for so long as the RXN holds Full Prescriptive Authority in Colorado. Each annual review must be signed and dated by the RXN on the Articulated Plan.
 - 6.4.1 The RXN must Update the Articulated Plan when the RXN has a change to any of the following:
 - A. Practice setting;
 - B. Mechanism or resources for consultation, collaboration, and referral;
 - C. Quality assurance plan (frequency or method);
 - D. Decision support tools; or
 - E. Continuing education in pharmacology and safe prescribing.
 - 6.4.2 Updates to the RXN's Articulated Plan must be signed and dated by the RXN.
- 6.5 The Original Articulated Plan will be retained by the RXN.
 - 6.5.1 The Articulated Plan must be reviewed and Updated as described in Section 6.4 of these Chapter 15 Rules.
 - 6.5.2 The Articulated Plan documenting annual reviews will be available to the Board upon request for so long as the RXN has prescriptive authority.
- 6.6 The RXN-P and the Mentor(s), or when applying under Section 8.2 of these Chapter 15 Rules, the Physician or RXN meeting the requirements of Sections 1.12 and 1.13 of these Chapter 15 Rules, will attest to the development of the Original Articulated Plan as requested by the RXN-P to complete the application for obtaining Full Prescriptive Authority. The Mentor(s), or when applying under Section 8.2 of these Chapter 15 Rules, the Physician or RXN shall not, without good cause, withhold signature or otherwise fail to provide timely verification of completion of the Original Articulated Plan. Upon development of the Articulated Plan, successful completion of the Mentorship as set forth in Section 5 of these Rules, and application, the RXN-P may be granted Full Prescriptive Authority by the Board.

7 OTHER REQUIREMENTS

- 7.1 An RXN-P or RXN must hold a valid DEA registration to prescribe controlled substances, Schedule II through V, and must adhere to all DEA requirements.

- 7.2 Pursuant to Section 12-38-111.6 (8)(c)(II), C.R.S., nothing in these Chapter 15 Rules shall be construed to require a registered nurse to obtain prescriptive authority to deliver anesthesia care.
- 7.3 Pursuant to Section 12-38-111.6(10), C.R.S., nothing in these Chapter 15 Rules shall be construed to permit dispensing or distribution, as defined in Section 12-22-102, C.R.S., by an RXN, except for receiving and distributing a therapeutic regimen of prepackaged drugs prepared by a licensed pharmacist or drug manufacturer registered with the FDA and appropriately labeled, free samples supplied by a drug manufacturer, and distributing drugs for administration and use by other individuals as authorized by law.

8 REQUIREMENTS FOR AN ADVANCED PRACTICE NURSE WITH PRESCRIPTIVE AUTHORITY IN ANOTHER STATE TO OBTAIN FULL PRESCRIPTIVE AUTHORITY IN COLORADO

- 8.1 Applicants must submit an application in a manner approved by the Board.
- 8.2 Applicants must be actively listed on the Advanced Practice Registry in the Role and, where applicable, the Population Focus, or equivalent as determined by the Board, for which the Applicant seeks Prescriptive Authority.
- 8.3 Applicants must have Active Prescriptive Authority in another state or U.S. jurisdiction in the Role and, where applicable, the Population Focus, or equivalent as determined by the Board, for which the Applicant seeks Prescriptive Authority.
- 8.3.1 Prescriptive Authority credentials issued by the United States Military are deemed to be substantially equivalent to prescriptive authority in another state or jurisdiction.
- 8.4 Requirements to apply for Full Prescriptive Authority for applicants with prescriptive authority and at least 1000 hours of documented experience prescribing medications in another state, U.S. jurisdiction, or U.S. military:
- 8.4.1 Verification of prescriptive authority and 1000 hours of documented experience prescribing medications, in another state, jurisdiction, or the U.S. military, in a manner approved by the Board. The acceptance of the documented hours of experience prescribing medications is at the sole discretion of the Board; and
- 8.4.2 Development of an Articulated Plan as set forth in Section 6 of these Chapter 15 Rules prior to being granted full Prescriptive Authority. Applicants with Prescriptive Authority and demonstrated 1000 hours of prescribing experience who are not able to provide an Articulated Plan at the time of full Prescriptive Authority application may be granted Provisional Prescriptive Authority for one (1) year in order to develop the required plan.
- A. The Articulated Plan must be attested to by a physician or RXN meeting the requirements of 1.12 and 1.13 of these Chapter 15 rules.
- 8.5 Requirements to apply for Full Prescriptive Authority for applicants with prescriptive authority and less than 1000 hours of documented experience prescribing medications in another state, jurisdiction, or the U.S. military:
- 8.5.1 Active Provisional Prescriptive Authority granted pursuant to Section 4.1 of these Chapter 15 Rules.
- 8.5.2 Completion of the additional hours, up to at least 1000 hours, of experience prescribing medications within a Mentorship as set forth in Section 5 of these Chapter 15 Rules.
- 8.5.3 Submission of an application for Full Prescriptive Authority within three (3) years of obtaining Provisional Prescriptive Authority, providing evidence of the following:
- A. Verification of prescriptive authority and hours of documented experience prescribing medications, in another state, in a manner approved by the Board.

The acceptance of the documented hours of experience prescribing medication is at the sole discretion of the Board;

- B. Additional mentored prescribing hours, up to at least 1000 hours, completed within a Mentorship in Colorado; and
- C. Development of an Articulated Plan as set forth in Section 6 of these Chapter 15 Rules.

8.5.4 Upon petition by the applicant, and with due consideration of the need to protect the public, the Board may accept a substantially equivalent method of establishing the requirements set forth in this section 8.5 of these Chapter 15 rules. It is anticipated that such alternative will rarely be used. The decision to accept such substantially equivalent method of establishing the requirements is at the sole discretion of the Board.

9 REINSTATEMENT OF PRESCRIPTIVE AUTHORITY

9.1 To apply for reinstatement of prescriptive authority the APRN must possess an active, Colorado or multi-state compact professional nurse license that is in good standing and without Disciplinary Sanction as defined in Section 1.10, and have reinstated the Role and, if applicable, Population Focus on the APR for which the APRN wishes to reinstate Full Prescriptive Authority.

9.2 An APRN applying to reinstate Full Prescriptive Authority must complete the reinstatement application for Full Prescriptive Authority and meet the requirements as set forth in Sections 2, 3, 4 and 6 of these Chapter 15 Rules.

9.2.1 If an APRN fails to meet the requirements as set forth in Section 12-38-111.6, C.R.S., and the Provisional Prescriptive Authority expires by operation of law, the APRN must complete a new application for Provisional Prescriptive Authority and meet the current requirements as set forth in Sections 2, 3 and 4 of these Chapter 15 Rules.

9.3 An APRN whose Provisional or Full Prescriptive Authority is withdrawn as the result of a disciplinary action under Section 12-38-116.5, C.R.S., as set forth in Section 11.2.1 below, shall not be eligible to apply for Prescriptive Authority for two (2) years after the date of the withdrawal of such Prescriptive Authority. After the end of the two (2) year waiting period an APRN must complete a new application and meet all requirements as set forth in these Chapter 15 Rules.

10 RENEWAL OF PRESCRIPTIVE AUTHORITY

10.1 Renewal of Provisional or Full Prescriptive Authority is required at the time of the RXN's professional nurse license renewal in Colorado. Multi-state compact licensed professional nurses granted Provisional or Full Prescriptive Authority by the Board shall be required to renew the Provisional or Full Prescriptive Authority every two (2) years and shall be issued a specific expiration date for the Prescriptive Authority.

11 WITHDRAWAL OF PROVISIONAL OR FULL PRESCRIPTIVE AUTHORITY

11.1 An RXN may request that the Provisional or Full Prescriptive Authority be voluntarily withdrawn.

11.2 The Board may withdraw Provisional or Full Prescriptive Authority if the APRN no longer meets the requirements for Provisional or Full Prescriptive Authority or the APRN is subject to discipline under Section 12-38-117, C.R.S., in accordance with the procedures set forth in Section 12-38- 116.5, C.R.S.

11.2.1 The APRN whose Provisional or Full Prescriptive Authority has been withdrawn as a result of disciplinary action under Section 12-38-116.5, C.R.S., shall not be eligible to apply for Prescriptive Authority for two (2) years after the date of the Board's withdrawal of such Prescriptive Authority. For the purpose of this Section 11.2.1,

withdrawal of Provisional or Full Prescriptive Authority shall include surrender or revocation of same.

- 11.3 If Provisional or Full Prescriptive Authority has been withdrawn, and the APRN wishes to apply for Provisional or Full Prescriptive Authority, the APRN must file a new application and meet all requirements as set forth in these Chapter 15 Rules at the time of application.

12 DISCIPLINE OF ADVANCED PRACTICE NURSES WITH PRESCRIPTIVE AUTHORITY

- 12.1 RXN and RXN-P disciplinary proceedings shall be the same as set forth in Section 12-38-116.5, C.R.S., and the grounds for discipline are as set forth in Section 12-38-117, C.R.S.

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Opinion of the Attorney General rendered in connection with the rules adopted by the

Division of Professions and Occupations - Board of Nursing

on 07/26/2017

3 CCR 716-1

NURSING

The above-referenced rules were submitted to this office on 08/10/2017 as required by section 24-4-103, C.R.S. This office has reviewed them and finds no apparent constitutional or legal deficiency in their form or substance.

August 14, 2017 11:51:48

Cynthia H. Coffman
Attorney General
by Frederick R. Yarger
Solicitor General

Permanent Rules Adopted

Department

Department of Public Health and Environment

Agency

Health Facilities and Emergency Medical Services Division (1011, 1015 Series)

CCR number

6 CCR 1011-1 Chap 22

Rule title

6 CCR 1011-1 Chap 22 CHAPTER 22 - BIRTH CENTERS 1 - eff 09/14/2017

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[Publication Instructions for the title block: Replace the current title block with the title block below by updating the Division name, and moving from Roman numerals to Arabic numerals.]

[Publication Instructions: Replace the entire chapter with the Sections 1 through Section 21 below.]

DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT

Health Facilities and Emergency Medical Services Division

STANDARDS FOR HOSPITALS AND HEALTH FACILITIES: CHAPTER 22 – BIRTH CENTERS

6 CCR 1011-1 Chapter 22

Adopted by the Board of Health on July 19, 2017.

SECTION 1 – STATUTORY AUTHORITY AND APPLICABILITY

- 1.1 The statutory authority for the promulgation of these rules is set forth in section 25-1.5-103 and 25-3-101, *et seq.*, C.R.S.
- 1.2 A birth center, as defined herein, shall comply with all applicable federal and state statutes and regulations, including, but not limited to:
 - (A) This Chapter 22, and
 - (B) 6 CCR, 1011-1, Chapter 2, General Licensure Standards, unless otherwise modified herein.
- 1.3 This regulation incorporates by reference (as indicated within) materials originally published elsewhere. Such incorporation does not include later amendments to or editions of the referenced material. The Department of Public Health and Environment maintains copies of the complete text of the incorporated materials for public inspection during regular business hours, and shall provide certified copies of the incorporated material at cost upon request. Information regarding how the incorporated material may be obtained or examined is available from:

Health Facilities and Emergency Medical Services Division
Colorado Department of Public Health and Environment
4300 Cherry Creek Drive South
Denver, CO 80246
Phone: 303-692-2800

Incorporated materials are available to the public on the internet at no cost or copies of the incorporated materials have been provided to the State Publications Depository and Distribution Center, and are available for interlibrary loan. Any incorporated material may be examined at any state publications depository library.

SECTION 2 – DEFINITIONS

- 2.1 “Birth center” means a freestanding facility licensed by the department that is not a hospital, attached to a hospital, or in a hospital which provides prenatal, labor, delivery and postpartum care to low risk pregnant persons and the newborns. Care during delivery and immediately after delivery shall be generally less than twenty-four hours.
- 2.2 “Certified Nurse Midwife” (CNM) means an advanced practice nurse licensed in the state of Colorado who is educated in the two disciplines of nursing and midwifery, who possesses

evidence of certification according to the requirements of the American Midwifery Certification Board.—

- 2.3 “Client” means a person receiving prenatal, intrapartum, and postpartum services. Unless the context dictates otherwise, client also means an infant receiving newborn care services from the facility.
- 2.4 “Facility” means a birth center.
- 2.5 “Intrapartum” means pertaining to the period of labor and birth.
- 2.6 “Low risk pregnancy” means expected normal, uncomplicated prenatal and intrapartum course assisted by adequate prenatal care and prospects for a normal uncomplicated birth based on continual screening for prenatal high risk factors. Prenatal high risk factors shall preclude eligibility for admissions as well as continued services at the facility.
- 2.7 “Medical waste” means waste that may contain disease causing organisms such as discarded surgical gloves, sharps, blood, human tissue, products of conception; or waste that may contain chemicals that present potential health hazards such as pharmaceutical waste and laboratory waste.

SECTION 3 – RESERVED

SECTION 4 – GOVERNING BODY

- 4.1 The governing body shall be responsible for the overall operation and management of the facility. The governing body shall provide adequate facilities, personnel and services necessary for the welfare and safety of the clients. The facility shall delineate the structure and membership of the governing body in written policy.
- 4.2 The governing body shall:
 - (A) adopt administrative and operational by-laws in accordance with legal requirements that include the facility’s organizational structure with lines of authority and responsibility.
 - (B) meet at least annually and maintain accurate records of such meetings. -
 - (C) define the scope of the services provided by the facility.
 - (D) ensure that the facility is available for occupancy 24 hours per day.
 - (E) appoint, in writing, a full-time administrator.
 - (F) appoint and delineate, in writing, clinical privileges of practitioners based upon recommendations by the clinical staff and commensurate with the practitioner's qualifications, experience, and present capabilities. An up-to-date roster of practitioners credentialed by the facility that specifies the approved procedural privileges of each practitioner shall be available to the staff at all times.
 - (G) approve written policies and procedures for the operation of the facility. Policies and procedures shall be consistent with current professional standards, reviewed annually and revised as necessary.

- (H) ensure that contracted services are delivered in accordance with the facility's policies and procedures. Contracts, including service contracts, shall be reviewed annually and revised as necessary.
- (I) develop job descriptions for all employee positions that delineate functional responsibilities and authority.
- (J) maintain an effective quality management program in accordance with 6 CCR 1011-1, Chapter 2, Section 3.1.
- (K) adopt a national standard for infection control and ensure the adequate investigation, control and prevention of infections.
- (L) establish a written plan for emergent and non-emergent transport of clients to a hospital with specific examples that denote emergent and non-emergent conditions. The effectiveness of the plan shall be evaluated annually. Clients with an emergent condition shall be transported by emergency medical services to the nearest hospital capable of providing care.
- (M) develop and maintain a written emergency preparedness plan for the emergency care or relocation of clients in the event of fire or other physical damage to the facility, weather emergencies endemic to the region, loss of utilities or equipment malfunction. The plan shall be current. Emergency evacuation drills shall be conducted at least semiannually.
- (N) ensure that staff perform medical emergency drills at least quarterly.

SECTION 5 – ADMINISTRATOR

- 5.1 The administrator shall have authority for the day to day operation of the facility. The administrator shall designate in writing a qualified employee to act as administrator in the temporary absence of the administrator.
- 5.2 The administrator shall be responsible for the development of facility policies and procedures for employee and clinical staff use. All policies and procedures shall be reviewed and/or updated as necessary but at least annually.

SECTION 6 – CLINICAL STAFF

- 6.1 The facility shall have an organized clinical staff restricted to the following practitioners: physicians and certified nurse midwives. The clinical staff shall be currently licensed to practice medicine or midwifery in Colorado.
- 6.2 Clinical services shall be under the supervision of a clinical director, who shall be a member of the clinical staff. The clinical director shall be the formal clinical liaison with the governing body. The clinical director shall be responsible for implementing, coordinating and assuring the quality of client care services. The clinical director shall also be responsible for the coordination of all the professional medical consultants to the facility.
- 6.3 The clinical director or a delegated committee of the clinical staff shall:
 - (A) meet at least annually and maintain accurate records of such meetings.
 - (B) formulate, adopt and enforce by-laws, rules, regulations and policies for the proper conduct of its members.

- (C) recommend clinical staff privileges to the governing body.
 - (D) participate in the quality management program.-
 - (E) recommend policies and procedures for admission and client care to the governing body. Such policies and procedures shall address cultural competency and the social determinants of health, in accordance with national standards for midwifery care.
- 6.4 Practitioner consultative services by individuals such as advanced practice nurses, family medicine practitioners, obstetricians, and pediatricians shall be available to clinical staff commensurate with the scope of services provided by the facility. An up-to-date roster of professional medical consultants shall be available to the staff at all times.

SECTION 7 – HEALTH INFORMATION MANAGEMENT

- 7.1 The facility shall provide sufficient space and equipment for the processing and the safe storage of health information records. Records shall be maintained and stored out of direct access of water, fire, and other hazards to protect them from damage and loss. A records recovery or backup system shall be utilized to ensure that there is no loss of health information records.
- 7.2 A person knowledgeable in health information management shall be responsible for the proper administration and protection of health information.
- 7.3 The facility shall store health information in a manner that protects client privacy and confidentiality and allows for retrieval of records in a timely manner.
- 7.4 Retention
- (A) With the exception of health information records of minors (individuals under the age of 18 years) records shall be preserved as original records, on microfilm, or electronic format for no less than seven years after the most recent client care encounter, after which time records may be destroyed at the discretion of the facility.
 - (B) Health information records of minors shall be preserved for the period of minority plus 10 years.
- 7.5 General Content
- (A) Complete health information records shall be maintained on every client from the time of registration for services through discharge. All entries into the record shall be dated, timed, and signed by the appropriate personnel.
 - (B) All orders for diagnostic procedures, treatments and medications shall be signed by the clinical staff or other authorized licensed practitioners submitting them and entered in the record in ink or type, as a facsimile, or by electronic means. The prompt completion of the health information record shall be the responsibility of the clinical staff. Authentication may be by written signature, identifiable initials or computer key.
 - (C) The record shall contain accurate documentation of significant clinical information pertaining to the client and newborn sufficiently detailed and organized in such a manner to enable:
 - (1) another practitioner to assume care of the client or newborn at any time.

- (2) evaluation of the quality of client care by the quality management program.
- (3) the clinical staff to utilize the record to instruct the client and family members.
- (4) the clinical staff to determine high risk factors throughout the pregnancy, labor, delivery and postpartum period.

7.6 Content of Adult Client Record

- (A) The records of adult clients shall contain, but not be limited to:
- (1) identification data including history, physical examination, and risk assessments, including psychosocial information. Each client shall have a unique medical record identification number.
 - (2) executed informed consent(s) which shall be obtained prior to the onset of labor.
 - (3) all laboratory testing results, including but not limited to, test results for rubella screening and RH factor.
 - (4) clinical observations, interventions, and medications administered during prenatal care, labor and delivery, and immediate postpartum care.
 - (5) medical orders and, if applicable, consultative reports.
 - (6) complications, referrals, and transfers.
 - (7) discharge summary.
 - (8) postpartum visits.
 - (9) the family member or support person designated by the client, who will care for the newborn in the event that the adult client is separated from the newborn.

7.7 Content of Newborn Record

- (A) Records of newborns shall be maintained as separate records. The clinical records of the newborn shall contain:
- (1) date and time of birth, birth weight and length, period of gestation, sex and condition of infant on delivery (including Apgar and any resuscitative measures taken).
 - (2) record of ophthalmic prophylaxis.
 - (3) record of administration of Rh immune globulin, if any.
 - (4) physical examination at birth and at discharge.
 - (5) genetic screening, PKU or other metabolic disorders report.
 - (6) fetal monitoring record.
 - (7) copy of birth certificate worksheet.

(8) any complications, referrals and transfers.

(9) discharge summary.

7.8 Progress Notes. The facility shall establish a standard methodology for recording client education, medications, treatments and procedures. Documentation shall include notation of the instructions given to clients at the time of discharge. All recordings shall be signed, including name and identifying title.

7.9 Central Log. There shall be a log for registering births, with information about the adult client and the newborn.

(A) Adult Client. The log shall contain the following information for the adult client:

(1) name.

(2) date of delivery.

(3) time of delivery.

(4) type of delivery.

(5) transfer information, if applicable:

(a) mode of transfer, i.e, EMS or other.

(b) reason for transfer.

(c) outcome after transfer.

(B) Newborn. The log shall contain the following information for the newborn:

(1) name, if available.

(2) sex.

(3) weight.

(4) gestational age.

(5) Apgar score.

(6) transfer information, if applicable:

(a) mode of transfer, i.e, EMS or other.

(b) reason for transfer.

(c) outcome after transfer.

SECTION 8 – NURSING AND OTHER PERSONNEL

8.1 Staffing

- (A) Each facility shall be staffed with an appropriate number of professional and ancillary personnel whose education, training and experience is commensurate with assigned duties and responsibilities.
- (B) There shall be sufficient registered nurses and auxiliary nursing personnel on duty to meet the total nursing needs of the clients.
- (C) Nurses and other personnel shall perform their duties in accordance with their scope of practice.

8.2 Personnel files shall be maintained on the premises for all personnel which contain at minimum:

- (A) evidence of current licensure or certification.
- (B) signed contracts for contracted employees.

8.3 The facility shall develop and implement written policies and procedures regarding:

- (A) the conditions of employment, orientation and management of employees.
- (B) evaluation of skills for non-credentialed staff.
- (C) employee health to protect clients from being exposed to communicable disease. The policy shall:
 - (1) address pre-employment health requirements, if any.
 - (2) identify which communicable diseases render an employee ineligible for duty and the process for restoring eligibility for duty.
 - (3) provide that staff exposed to blood shall have full immunization against hepatitis B or documentation of refusal.

8.4 The facility shall require all persons, including students, who examine, observe, or treat clients to wear identification stating, at minimum, the person's name and credentials.

SECTION 9 – ADMISSIONS AND DISCHARGE

9.1 Only members of the clinical staff shall admit clients to the facility.

9.2 As a condition of admission all persons shall sign prior to the onset of labor a disclosure document which shall contain:

- (A) an explanation of the services available.
- (B) an explanation of the services not available, including types of anesthesia.
- (C) the risks, benefits and eligibility requirements for care.

- (D) the facility's plan for provision of emergency and non-emergency care in the event of complications with client or newborn, and a statement of the time to and location of the nearest hospital for care of the client and newborn.
 - (E) a written statement of fees for services and responsibilities for payment.
- 9.3 Only low risk pregnant persons for whom prenatal and intrapartum history, physical examination, and laboratory screening procedures have demonstrated a normal, uncomplicated course of pregnancy and labor shall be admitted.
- (A) The facility shall specify in policy and procedure the criteria used to evaluate risk status. The criteria shall be based on a current national standard of care, such as, but not limited to, indicators established by the American Association of Birth Centers. The social, medical, obstetric, fetal and/or neonatal risk factors which exclude persons from the low-risk intrapartum group shall be clearly delineated and annually reviewed and updated as appropriate.
 - (B) The criteria used to evaluate risk status shall be applied for each client during the entire course of care delivered by the facility.
 - (C) Prenatal care in accordance with current standards of practice shall be a prerequisite for admission.
- 9.4 Discharge Planning
- (A) An individualized discharge plan shall be communicated to the client and recorded in the client's chart. The discharge plan shall include:
 - (1) information about follow up visits. A follow up visit shall be scheduled prior to discharge.
 - (2) referrals for continuity of care for both the client and newborn. The facility shall provide the relevant portions of the newborn records to the client. Upon request by the client or the pediatric care provider, the facility shall provide a copy of the newborn records to the pediatric care provider.
 - (B) The facility shall provide a list of available counselors and counseling services to clients known to be considering relinquishing or terminating parental rights. The list shall also be provided to any other family or support person designated by the client.
 - (C) The facility shall file birth certificates with the state registrar in accordance with Section 25-2-112, C.R.S.

SECTION 10 – LABORATORY SERVICES

- 10.1 Clinical laboratory services shall be available as required by the needs of the clients as determined by the clinical staff. Whether provided on-site or by contract, the laboratory shall meet the requirements of the "Clinical Laboratory Improvement Amendments of 1988," 42 USC § 263a, and the corresponding regulations at 42 CFR Part 493.

SECTION 11 – FOOD SERVICES

- 11.1 Safe food storage and preparation practices shall be followed, in accordance with policies and procedures developed by the facility, whether food is prepared at the facility, by a contracted catering service, or brought by clients.

SECTION 12 – EMERGENCY CARE AND TRANSFERS

12.1 Policies and procedures regarding emergency care and transfer shall address, but not be limited to, the following:

- (A) transfer to a hospital, when appropriate, in a timely manner to ensure the well-being of the adult client and newborn.
- (B) transfer of information required for proper care and treatment of the individual(s) transferred, including client health records.
- (C) security and accountability of the personal effects of the individual(s) being transferred.
- (D) communication with the receiving hospital.

12.2 Clients with the following conditions intrapartum shall be transferred to a hospital:

- (A) client request for transfer from birth center care.
- (B) client admitted with any conditions which preclude birth center delivery.
- (C) need for pharmacologic agents for cervical ripening, induction, and augmentation of labor.
- (D) failure of progressive cervical dilation or descent after trial of therapeutic steps capable of being applied at the facility.
- (E) fetal monitoring beyond intermittent auscultation.
- (F) fetal distress without delivery imminent.
- (G) development of preeclampsia.
- (H) intrapartum hemorrhage (placenta previa or abruptio placentae).
- (I) prolapsed cord.
- (J) change to non-vertex presentation.
- (K) evidence of amnionitis.
- (L) development of any other complication beyond the facility's scope of services identified by the governing board pursuant to section 4.2 (C) of these regulations.

12.3 Clients with the following conditions post-partum shall be transferred to a hospital:

- (A) Adult Client
 - (1) hemorrhage not responding to treatment.
 - (2) retained placenta.
 - (3) need for extended observation.

- (4) development of any other complication beyond the facility's scope of services identified by the governing board pursuant to section 4.2 (C) of these regulations.
- (B) Newborn
 - (1) Apgar less than 7 at 5 minutes.
 - (2) need for oxygen beyond 5 minutes.
 - (3) signs of prematurity.
 - (4) signs of respiratory distress.
 - (5) jaundice, anemia, polycythemia, or hypoglycemia.
 - (6) persistent hypothermia (less than 97° F at 2 hours of life).
 - (7) persistent hypotonia.
 - (8) exaggerated tremors, seizures or irritability.
 - (9) any significant congenital anomaly, seen or suspected.
 - (10) sign of significant birth trauma.
 - (11) development of any other complication beyond the facility's scope of services identified by the governing board pursuant to section 4.2 (C) of these regulations.

SECTION 13 – RESERVED

SECTION 14 – PHARMACEUTICAL SERVICES

- 14.1 The facility shall maintain an inventory of medications sufficient to care for the number of adult clients and newborns registered for care.
- 14.2 The facility shall develop and implement policies and procedures for the storage, dispensing and administration of drugs and biologicals in accordance with professional standards of practice and applicable state and federal laws and regulations, including but not limited to, 21 CFR Section 1300, et seq., pertaining to federal drug enforcement administration requirements for controlled substances.
- 14.3 Medication shall be administered only by a licensed nurse or the clinical staff.
- 14.4 The facility shall monitor the expiration date of all medications.
- 14.5 Medications maintained in the facility shall be appropriately stored and safeguarded against diversion or access by unauthorized persons.
 - (A) Appropriate records shall be kept regarding the disposition of all medications. Expired medications shall be disposed of in accordance with state law.
 - (B) Controlled Substances

- (1) Controlled substances shall be maintained in double-locked, secured cabinets. There shall be a written procedure for maintaining accountability and monitoring for diversion.
- (2) On-site destruction of controlled substances shall be witnessed and documented in writing by two clinically licensed individuals and destroyed in a manner that renders the controlled substances totally irretrievable.

SECTION 15 – CLIENT CARE

15.1 Client Rights. The facility shall be compliant with 6 CCR 1011.1, Chapter 2, Part 6.

15.2 Policies and Procedures. The facility shall develop and implement written policies and procedures to provide comprehensive perinatal care for low-risk pregnancy, newborn care and referral of high risk pregnancy consistent with current standards of practice. Policies and procedures shall include, but not be limited to:

- (A) parent education, including orientation to the philosophy of care and the scope of services of the facility.
- (B) continuous screening for high risk that addresses:
 - (1) a screening process that includes written criteria for admission of only low risk pregnancies.
 - (2) the routine evaluation of clients throughout pregnancy to assure that their pregnancy remains low risk.
 - (3) protocols for referral of high risk persons and newborns to appropriate providers of obstetrical and newborn care.
- (C) breastfeeding supportive practices.
- (D) availability or actual contact with clinical staff on a 24 hour per day, 7 days per week basis.

15.3 Provision of Care

- (A) All persons admitted to the facility shall be under the direct care of a member of the clinical staff and agree to remain at the facility not less than four hours postpartum.
- (B) Antenatal Care
 - (1) There shall be a program of education including provision of information to include, but not be limited to:
 - (a) anticipated changes during pregnancy.
 - (b) the signs of preterm labor.
 - (c) preparation for labor and delivery, including pain management and obstetrical complications and procedures.
 - (d) feeding options and care of the newborn, including infant safe sleep practices.

- (e) signs of depression during pregnancy and after childbirth.
 - (f) preparation needed for discharge of the client and the newborn following delivery, including referrals associated with ensuring the continuity of care.
 - (2) Each client shall have a plan of care developed by clinical staff. The plan shall identify the care to be provided and the need for postpartum services. The client shall be involved in reassessments and revisions of the plan that may be required.
 - (3) Each client shall be assessed for immunity to rubella and counselled on associated risks.
 - (4) Each client shall undergo prenatal testing in accordance with professional standards of care.
- (C) Care During Labor and Delivery
- (1) The facility shall provide regular and appropriate assessment of the client and fetus throughout labor.
 - (2) Anesthesia
 - (a) Only local anesthesia for episiotomies and repair of lacerations may be provided.
- (D) Postpartum Care. Care during the postpartum period shall include, but not be limited to:
- (1) Client
 - (a) maternal assessments and follow up care.
 - (b) screening and referral for postpartum depression.
 - (2) Newborn
 - (a) newborn assessments and follow up care.
 - (b) eye prophylaxis in accordance with Section 25-4-301, C.R.S.
 - (c) newborn screenings based on current standards of practice as well as in accordance with Section 25-4-1001, et seq., C.R.S. If the facility does not provide newborn hearing screening, it shall provide information regarding where parents may have their infants' hearing screened and the importance of such screening.
 - (d) a newborn identified with abnormalities shall be referred for appropriate follow up, in accordance with facility policy. The facility shall communicate with the pediatric care provider and transfer birth and newborn records to the pediatric care provider.

15.4 Staffing

- (A) There shall be sufficient staff to meet the demands for services routinely provided and coverage during periods of high demand or emergency. -
- (B) Clinical staff shall be present at each birth and until the client and newborn are stable postpartum. At a minimum, there shall be a second person in addition to the clinical staff, who is a registered nurse with adult and infant resuscitation skills, present during the delivery.
- (C) Clinical staff or a registered nurse with adult and infant resuscitation skills shall be present at the facility at all times when a client or newborn is present postpartum through discharge. Additional and sufficient personnel shall be provided when more than one client is in active labor.

SECTION 16 – EQUIPMENT AND SUPPLIES

- 16.1 Each facility shall be equipped with those items needed to provide low risk maternity care and shall include equipment to initiate emergency procedures. The facility shall have readily accessible equipment and supplies in order to:
 - (A) perform initial and ongoing assessment of the client and fetus.
 - (B) provide care during birth, including repair of lacerations and management of uterine atony.
 - (C) perform evaluation and, if necessary, resuscitation of the newborn.
 - (D) perform screening and ongoing assessment of the newborn.
 - (E) provide oxygen supplementation for the adult client or newborn as needed.
 - (F) establish and provide intravenous access and fluids, as needed.
- 16.2 There shall be a readily accessible emergency cart or tray for the adult client and the newborn to carry out the emergency procedures of the facility. There shall be written logs of routine maintenance for readiness.
- 16.3 There shall be a system to monitor the readiness of all equipment, medications, intravenous fluids and supplies.
 - (A) Equipment shall be maintained and tested in accordance with manufacturer's instructions.
 - (B) The inventory of supplies and intravenous fluids shall be sufficient to care for the number of adult clients and newborns registered for care.
- 16.4 Supplies such as needles, syringes and prescription pads shall be appropriately stored to avoid public access.

SECTION 17 – HOUSEKEEPING SERVICES

- 17.1 Each facility shall provide housekeeping services which ensure a pleasant, safe and sanitary environment. If the facility contracts with an outside vendor to provide housekeeping services,

there shall be a written agreement regarding the services and the facility shall be ultimately responsible for quality control of the contractor.

- 17.2 Written policies and procedures shall be established and followed which ensure adequate cleaning and/or disinfection of the facility and equipment.
- 17.3 All cleaning materials, solutions, cleaning compounds and hazardous substances shall be properly identified and stored in accordance with manufacturer's instructions.
- 17.4 All waste containers in client care areas shall be impervious, lined and clean.
- 17.5 All personnel shall wash their hands immediately after handling waste.

SECTION 18 – LAUNDRY AND LINENS

- 18.1 The facility shall make arrangements for the cleaning of linen and laundry either on the premises or per contractual arrangement.
- 18.2 The facility shall develop and implement written policies and procedures for the handling, storage and transporting of clean and soiled linen that prevents contamination.
- 18.3 Linen shall be cleaned in a manner that prevents contamination and laundry chemicals shall be used in accordance with manufacturer's instructions. Linen shall be maintained in good repair.
- 18.4 A facility with laundry service on the premises shall have space and equipment for the safe and effective operation of a laundry service. There shall be distinct areas for the separate storage and handling of clean and soiled linens.

SECTION 19 – INTERIOR AND EXTERIOR ENVIRONMENT

- 19.1 The facility shall develop and implement written policies and procedures for a maintenance program to keep the facility in good repair and to provide for the safety, welfare and comfort of the occupants of the building.
- 19.2 The facility shall eliminate hazards to clients and visitors. In areas accessible to children, elimination of hazards shall include, but not be limited to, uncovered electrical outlets.
- 19.3 The facility shall develop and implement written policies and procedures to provide for effective control and eradication of vermin. All openings to the outer air shall be effectively protected against the entrance of vermin by self-closing doors, closed windows, screens, controlled air currents or other effective means.

SECTION 20 - WASTE STORAGE AND DISPOSAL

- 20.1 Facilities shall manage, transport, and dispose of medical waste in accordance with the state solid waste regulations, 6 CCR 1007-2, Part 1.
- 20.2 Facilities that generate waste, including medical waste, shall conduct a hazardous waste determination in accordance with Part 261 of the state hazardous waste regulations, 6 CCR 1007-3. If the facility generates hazardous waste, it shall manage, transport, and dispose of such waste in accordance with 6 CCR 1007-3.

SECTION 21 – PHYSICAL PLANT STANDARDS

21.1 Effective July 1, 2013, all birth centers shall be constructed in conformity with the standards adopted by the Director of the Division of Fire Prevention and Control (DFPC) at the Colorado Department of Public Safety. For construction initiated or systems installed on or after July 1, 2013, that affect patient health and safety and for which DFPC has no applicable standards, each facility shall conform to the relevant section(s) of the Guidelines for Design and Construction of Health Care Facilities, (2010 Edition), Facilities Guidelines Institute. The Guidelines for Design and Construction of Health Care Facilities, (2010 Edition), Facilities Guidelines Institute (FGI), is hereby incorporated by reference and excludes any later amendments to or editions of the Guidelines. The 2010 FGI Guidelines are available at no cost in a read only version at: <https://www.fgiguideines.org/guidelines/2010-edition/read-only-copy/>.

21.2 Birthing Room

- (A) Each birthing room shall be maintained in a condition which is adequate and appropriate to provide for the equipment, staff, supplies and emergency procedures required for the physical and emotional care of a client, the client's designated family member or support person, and the newborn during birth, labor and the recovery period.
- (B) Birthing rooms shall be located to provide unimpeded, rapid access to an exit of the building which will accommodate emergency transportation vehicles and equipment.
- (C) A window in the birthing room shall not be required solely for the purpose of natural light.

21.3 Doors

- (A) Doors providing entry/exit and access into the facility and birth room(s) shall be of adequate width and/or configuration to accommodate maneuvering of ambulance stretchers and wheelchairs and other emergency equipment.
- (B) The doors to the toilets in labor, delivery and postpartum care areas for client use shall have hardware that allows staff emergency access.

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Office of the Attorney General

Tracking number: 2017-00186

Opinion of the Attorney General rendered in connection with the rules adopted by the

State Board of Health

on 07/19/2017

6 CCR 1011-1 Chap 22

CHAPTER 22 - BIRTH CENTERS

The above-referenced rules were submitted to this office on 07/24/2017 as required by section 24-4-103, C.R.S. This office has reviewed them and finds no apparent constitutional or legal deficiency in their form or substance.

July 31, 2017 11:46:31

Cynthia H. Coffman
Attorney General
by Frederick R. Yarger
Solicitor General

Permanent Rules Adopted

Department

Department of Health Care Policy and Financing

Agency

Medical Services Board (Volume 8; Medical Assistance, Children's Health Plan)

CCR number

10 CCR 2505-10

Rule title

10 CCR 2505-10 MEDICAL ASSISTANCE - STATEMENT OF BASIS AND PURPOSE,
AND RULE HISTORY 1 - eff 09/15/2017

Effective date

09/15/2017

DO NOT PUBLISH

Title of Rule: Revision to the Medical Assistance Benefits Rule Concerning Transgender Services, Section 8.735

Rule Number: MSB 17-03-21-B

Division / Contact / Phone: Health Programs Benefits & Operations / Amanda Forsythe / 303-866-6459 / Jesse Durfee / 303-866-5519

SECRETARY OF STATE

RULES ACTION SUMMARY AND FILING INSTRUCTIONS

SUMMARY OF ACTION ON RULE(S)

1. Department / Agency Name: Health Care Policy and Financing / Medical Services Board
2. Title of Rule: MSB 17-03-21-B, Revision to the Medical Assistance Benefits Rule Concerning Transgender Services, Section 8.735
3. This action is an adoption of: new rules
4. Rule sections affected in this action (if existing rule, also give Code of Regulations number and page numbers affected):
Sections(s) 8.735, Colorado Department of Health Care Policy and Financing, Staff Manual Volume 8, Medical Assistance (10 CCR 2505-10).
5. Does this action involve any temporary or emergency rule(s)? No
If yes, state effective date:
Is rule to be made permanent? (If yes, please attach notice of hearing). Yes

PUBLICATION INSTRUCTIONS*

Replace the current text at 8.735 with the proposed text starting at 8.735.5.D through the end of 8.735.7.A. This rule is effective August 30, 2017.

DO NOT PUBLISH

Title of Rule: Revision to the Medical Assistance Benefits Rule Concerning Transgender Services, Section 8.735

Rule Number: MSB 17-03-21-B

Division / Contact / Phone: Health Programs Benefits & Operations / Amanda Forsythe / 303-866-6459 / Jesse Durfee / 303-866-5519

STATEMENT OF BASIS AND PURPOSE

1. Summary of the basis and purpose for the rule or rule change. (State what the rule says or does and explain why the rule or rule change is necessary).

The proposed rule clearly defines and codifies the amount, duration, and scope of covered gender transition-related services available to Colorado Medicaid clients. Colorado Medicaid currently covers medically necessary counseling, hormone therapy, and surgery to eligible clients. The proposed rule does not add coverage of any new services.

2. An emergency rule-making is imperatively necessary

- ☐ to comply with state or federal law or federal regulation and/or
☐ for the preservation of public health, safety and welfare.

Explain:

3. Federal authority for the Rule, if any:

92 CFR Part 92

4. State Authority for the Rule:

25.5-1-301 through 25.5-1-303, C.R.S. (2015);

Initial Review

06/09/17 Final Adoption

07/14/17

Proposed Effective Date

08/30/17 Emergency Adoption

DOCUMENT #01

DO NOT PUBLISH

Title of Rule: Revision to the Medical Assistance Benefits Rule Concerning Transgender Services, Section 8.735

Rule Number: MSB 17-03-21-B

Division / Contact / Phone: Health Programs Benefits & Operations / Amanda Forsythe / 303-866-6459 / Jesse Durfee / 303-866-5519

REGULATORY ANALYSIS

1. Describe the classes of persons who will be affected by the proposed rule, including classes that will bear the costs of the proposed rule and classes that will benefit from the proposed rule.

Colorado Medicaid clients and providers will both benefit from having the amount, duration, and scope of covered transgender-related services clearly defined and codified in the proposed rule.

2. To the extent practicable, describe the probable quantitative and qualitative impact of the proposed rule, economic or otherwise, upon affected classes of persons.

The proposed rule will have a positive impact on Colorado Medicaid clients' and providers' understanding of which services are covered, the eligibility criteria one must meet to provide or receive the covered services, as well as other requirements like documentation, potential limitations, etc.

3. Discuss the probable costs to the Department and to any other agency of the implementation and enforcement of the proposed rule and any anticipated effect on state revenues.

The proposed rule does not increase the amount, duration, or scope of any covered service, nor does it add any new service to those currently covered by Colorado Medicaid.

4. Compare the probable costs and benefits of the proposed rule to the probable costs and benefits of inaction.

The probable cost of inaction is the continued confusion by Colorado Medicaid clients and providers as to the eligibility requirements and extent of coverage for transgender-related services. The benefit to the proposed rule is that it clearly defines, and makes enforceable, the Department's transgender related services coverage policy.

5. Determine whether there are less costly methods or less intrusive methods for achieving the purpose of the proposed rule.

DO NOT PUBLISH

There are not less costly or less intrusive methods for achieving the purpose of the proposed rule, which is clarifying and codifying the amount, duration, and scope of covered transgender related services.

6. Describe any alternative methods for achieving the purpose for the proposed rule that were seriously considered by the Department and the reasons why they were rejected in favor of the proposed rule.

There are no alternative methods for achieving the purpose of the proposed rule, which is clarifying and codifying the amount, duration, and scope of covered transgender related services.

8.735 TRANSGENDER SERVICES

8.735.1 Definitions

Cross Sex-Hormone Therapy means a course of hormone replacement therapy intended to induce or change secondary sex characteristics.

Gender Confirmation Surgery means a surgery to change primary or secondary sex characteristics to affirm a person's gender identity. Also known as gender affirmation surgery or sex reassignment surgery.

Gender Dysphoria means either: gender dysphoria, as defined in the Diagnostic Statistical Manual of Mental Disorders, 5th Edition (DSM-5), codes 302.85 or 302.6; or gender identity disorder, as defined in the International Classification of Disease, 10th Edition (ICD-10), codes F64. 1-9, or Z87.890.

Gonadotropin-Releasing Hormone Therapy means a course of reversible pubertal or gonadal suppression therapy used to block the development of secondary sex characteristics in adolescents.

8.735.2 Client Eligibility

8.735.2.A. Clients with a clinical diagnosis of gender dysphoria are eligible for the transgender services benefit, subject to the service-specific criteria and restrictions detailed in section 8.735.5.

8.735.4 Provider Eligibility

8.735.4.A. Enrolled providers are eligible to provide transgender services if:

1. Licensed by the Colorado Department of Regulatory Agencies or the licensing agency of the state in which the provider practices;
2. Services are within the scope of the provider's practice; and
3. Knowledgeable about gender nonconforming identities and expressions, and the assessment and treatment of gender dysphoria.

8.735.5 Covered Services

8.735.5.A. The following requirements apply to all covered transgender services:

1. Client has a clinical diagnosis of gender dysphoria;
2. Requested service is medically necessary, as defined in section 8.076.1.8.;
3. Any contraindicated medical and behavioral health conditions have been addressed and are well-controlled;
4. Client has given informed consent for the service; and
5. Subject to the exceptions in C.R.S. §13-22-103, if client is under 18 years of age, client's parent(s) or legal guardian has given informed consent for the service.

8.735.5.B. Requests for services for clients under 21 years of age are evaluated in accordance with the Early and Periodic Screening, Diagnosis, and Treatment (EPSDT) program criteria detailed in section 8.280.

8.735.5.C. Behavioral health services are covered in accordance with section 8.212.

8.735.5.D. Hormone Therapy

1. Covered hormone therapy services are limited to the following:
 - a. Gonadotropin-Releasing Hormone (GnRH) Therapy
 - i) GnRH therapy is a covered service for a client who:
 - 1) Meets the criteria at section 8.735.5.A.;
 - 2) Meets the applicable pharmacy criteria at section 8.800; and
 - 3) Has been referred to a licensed behavioral health provider and has a plan in place to receive behavioral health counseling concurrent with GnRH therapy.
 - b. Cross-Sex Hormone Therapy
 - i) Cross-sex hormone therapy is a covered service for a client who:
 - 1) Meets the criteria at section 8.735.5.A.; and
 - 2) Meets the applicable pharmacy criteria at section 8.800.
 - ii) Other cross-sex hormone therapy requirements
 - 1) Prior to beginning cross-sex hormone therapy, a licensed behavioral health provider, with whom the client has an established and ongoing relationship, must determine that any behavioral health conditions or concerns have been addressed and are well-controlled.
 - 2) For the first twelve (12) months of cross-sex hormone therapy:
 - a) Client must receive ongoing behavioral health counseling at a frequency determined to be clinically appropriate by the behavioral health provider; and
 - b) Client must receive medical assessments at a frequency determined to be clinically appropriate by the prescribing provider.

8.735.5.E. Surgical Procedures

1. A surgical procedure listed in section 8.735.5.E.3.– 5. is a covered service for a client who:
 - a. Meets the criteria section 8.735.5.A.1.–4.;
 - b. Is 18 years of age or older;
 - c. Has lived in the preferred gender role for twelve (12) continuous months;
 - d. Has completed twelve (12) continuous months of hormone therapy, unless medically contraindicated;
 - e. Has been evaluated by a licensed medical provider within the past sixty (60) days; and
 - f. Has been evaluated by a licensed behavioral health provider within the past sixty (60) days.

2. Rendering surgical providers must retain the following documentation for each client:
 - a. A signed statement from a licensed behavioral health provider, with whom the client has an established and ongoing relationship, demonstrating that:
 - i) Criteria in section 8.735.5.E.1.a.–d. and f. have been met; and
 - ii) A post-operative care plan is in place.
 - b. A signed statement from a licensed medical provider, with whom the client has an established and ongoing relationship, demonstrating that:
 - i) Criteria in section 8.735.5.E.1.a.–e. have been met; and
 - ii) A post-operative care plan is in place.
3. Covered genital surgeries are limited to the following:
 - a. Ovariectomy/oophorectomy
 - b. Salpingo-oophorectomy
 - c. Hysterectomy
 - d. Vaginectomy
 - e. Vulvectomy
 - f. Metoidioplasty
 - g. Phalloplasty
 - h. Erectile prosthesis
 - i. Scrotoplasty
 - j. Testicular prostheses
 - k. Urethroplasty
 - l. Orchiectomy
 - m. Penectomy
 - n. Prostatectomy
 - o. Clitoroplasty
 - p. Vaginoplasty
 - q. Vulvoplasty
 - r. Labiaplasty
 - s. Permanent hair removal to treat surgical tissue donor sites
4. Covered breast/chest surgeries are limited to the following:
 - a. Mastectomy

- b. Mammoplasty is covered when:
 - i) Client has completed twenty-four (24) continuous months of hormone therapy that has proven ineffective for breast development, unless medically contraindicated.
 - c. Permanent hair removal to treat surgical tissue donor sites
- 5. Pre- and post-operative services are covered when:
 - a. Related to a covered surgical procedure listed in section 8.735.5.E.; and
 - b. Medically necessary, as defined in section 8.076.1.8.

8.735.6 Prior Authorization

- 8.735.6.A. Prior authorization requests for hormone therapy services listed in section 8.735.5.D. must be submitted in accordance with the requirements in section 8.800.7.
- 8.735.6.B. All prior authorization requests must provide documentation demonstrating that the applicable requirements in section 8.735.5 have been met.

8.735.7 Non-Covered Services

- 8.735.7.A. The following services are not covered under the transgender services benefit:
 - 1. Any items or services excluded from coverage under section 8.011.1.
 - 2. Reversal of surgical procedures listed in section 8.735.5.E.

DO NOT PUBLISH

Title of Rule: Revision to the Medical Assistance Benefits Rule Concerning Home Health Services, Section 8.520

Rule Number: MSB 17-04-21-A

Division / Contact / Phone: Health Programs Benefits & Operations Division / Amanda Forsythe / 303-866-6459

SECRETARY OF STATE

RULES ACTION SUMMARY AND FILING INSTRUCTIONS

SUMMARY OF ACTION ON RULE(S)

1. Department / Agency Health Care Policy and Financing / Medical Services Board Name:
2. Title of Rule: MSB 17-04-21-A, Revision to the Medical Assistance Benefits Rule Concerning Home Health Services, Section 8.520
3. This action is an adoption an amendment of:
4. Rule sections affected in this action (if existing rule, also give Code of Regulations number and page numbers affected):
Sections(s) 8.520, Colorado Department of Health Care Policy and Financing, Staff Manual Volume 8, Medical Assistance (10 CCR 2505-10).
5. Does this action involve any temporary or emergency rule(s)? <Select One>
If yes, state effective date: 08/30/17
Is rule to be made permanent? (If yes, please attach notice of Yes hearing).

PUBLICATION INSTRUCTIONS*

Replace the current text at 8.520 with the proposed text beginning at 8.520.1 through the end of 8.520.11.B. This rule is effective August 30, 2017.

DO NOT PUBLISH

Title of Rule: Revision to the Medical Assistance Benefits Rule Concerning Home Health Services, Section 8.520
Rule Number: MSB 17-04-21-A
Division / Contact / Phone: Health Programs Benefits & Operations Division / Amanda Forsythe / 303-866-6459

STATEMENT OF BASIS AND PURPOSE

1. Summary of the basis and purpose for the rule or rule change. (State what the rule says or does and explain why the rule or rule change is necessary).

The rule defines the amount, duration, and scope of covered home health services. This revision updates the home health services rule by adding provisions concerning face-to-face visits and place of service limitations, as required under recently issued federal regulations, both of which must be effective by July 1, 2017. Specifically, this revision aligns the Colorado Medicaid home health services rule with federal regulations by adding: (1) a requirement that the physician must document a face-to-face encounter with the Medicaid client for the authorization of home health services within particular timelines; and (2) language clarifying that Medicaid home health services are not limited solely to home settings.

2. An emergency rule-making is imperatively necessary

- ☐ to comply with state or federal law or federal regulation and/or
☐ for the preservation of public health, safety and welfare.

Explain:

The recently issued federal home health regulations, concerning documentation of face-to-face encounters and place of service limitations, explicitly require that the Department be in compliance with the new provisions by July 1, 2017.

3. Federal authority for the Rule, if any:

42 CFR 440.70

4. State Authority for the Rule:

25.5-1-301 through 25.5-1-303, C.R.S. (2015);

Initial Review

Final Adoption

07/14/17

Proposed Effective Date

08/30/17 Emergency Adoption

DOCUMENT #02

DO NOT PUBLISH

Title of Rule: Revision to the Medical Assistance Benefits Rule Concerning Home Health Services, Section 8.520

Rule Number: MSB 17-04-21-A

Division / Contact / Phone: Health Programs Benefits & Operations Division / Amanda Forsythe / 303-866-6459

REGULATORY ANALYSIS

1. Describe the classes of persons who will be affected by the proposed rule, including classes that will bear the costs of the proposed rule and classes that will benefit from the proposed rule.

The proposed rule will affect ordering providers by requiring that they must document the occurrence of a face-to-face encounter with any Colorado Medicaid client for whom they order home health services. The proposed rule will also affect home health services clients: First, it will require that the client participates in a face-to-face visit with the ordering provider to receive home health services. Second, by clarifying that home health services may be received in any setting in which normal life activities take place, it will allow many clients to receive home health services out in the community.

2. To the extent practicable, describe the probable quantitative and qualitative impact of the proposed rule, economic or otherwise, upon affected classes of persons.

The proposed rule will have a positive impact on those clients who will be able to receive necessary home health services while engaged in normal life activities in the community and not just while in the home.

The proposed rule's face-to-face documentation requirement will likely have a moderate economic impact on the ordering providers, an analysis of which is detailed in the February 2016 Centers for Medicare & Medicaid Services Final Rule concerning Medicaid home health services.

3. Discuss the probable costs to the Department and to any other agency of the implementation and enforcement of the proposed rule and any anticipated effect on state revenues.

There is no anticipated cost or effect on state revenues of implementation and enforcement of the proposed rule.

4. Compare the probable costs and benefits of the proposed rule to the probable costs and benefits of inaction.

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The cost of inaction is the Department being out of compliance with federal regulations, which could result a corrective action plan, financial penalties, or other federal enforcement actions.

5. Determine whether there are less costly methods or less intrusive methods for achieving the purpose of the proposed rule.

There are no less costly methods or less intrusive methods for achieving the purpose of the proposed rule, which is the Department's compliance with new federal regulatory requirements.

6. Describe any alternative methods for achieving the purpose for the proposed rule that were seriously considered by the Department and the reasons why they were rejected in favor of the proposed rule.

There are no alternative methods for achieving the purpose of the proposed rule, which is the Department's compliance with new federal regulatory requirements.

8.520 HOME HEALTH SERVICES

8.520.1. Definitions

- 8.520.1.A. Activities of Daily Living (ADL) means daily tasks that are required to maintain a client's health, and include eating, bathing, dressing, toileting, grooming, transferring, walking, and continence. When a client is unable to perform these activities independently, skilled or unskilled providers may be required for the client's needs.
- 8.520.1.B. Acute Medical Condition means a medical condition which has a rapid onset and short duration. A condition is considered acute only until it is resolved or until 60 calendar days after onset, whichever comes first.
- 8.520.1.C. Alternative Care Facility means an assisted living residence licensed by the Colorado Department of Public Health and Environment (CDPHE), and certified by the Department of Health Care Policy and Financing (Department) to provide Assisted Living Care Services and protective oversight to clients.
- 8.520.1.D. Behavioral Intervention means techniques, therapies, and methods used to modify or minimize aggressive (verbal/physical), combative, destructive, disruptive, repetitious, resistive, self-injurious, or other inappropriate behaviors outlined on the CMS-485 Plan of Care (defined below). Behavioral interventions exclude frequent verbal redirection or additional time to transition or complete a task, which are part of the general assessment of the client's needs.
- 8.520.1.E. Care Coordination means the deliberate organization of client care activities between two or more participants (including the client) for the appropriate delivery of health care and health support services, and organization of personnel and resources needed for required client care activities.
- 8.520.1.F. Certified Nurse Aide Assignment Form means the form used by the Home Health Agency to list the duties to be performed by the Certified Nurse Aide (CNA) at each visit.
- 8.520.1.G. Department means the Colorado Department of Health Care Policy and Financing which is designated as the single State Medicaid agency for Colorado, or any divisions or sub-units within that agency.
- 8.520.1.H. Designee means the entity that has been contracted by the Department to review for the Medical Necessity and appropriateness of the requested services, including Home Health prior authorization requests (PARs). Designees may include case management entities such as Single Entry Points or Community Centered Boards who manage waiver eligibility and review.

- 8.520.1.I. Home Care Agency means an entity which provides Home Health or Personal Care Services. When referred to in this rule without a 'Class A' or 'Class B' designation, the term encompasses both types of agencies.
- 8.520.1.J. Home Health Agency means an agency that is licensed as a Class A Home Care Agency in Colorado, and is certified to provide skilled care services to Medicare and Medicaid eligible clients. Agencies shall hold active and current Medicare and Medicaid provider IDs to provide services to Medicaid clients.
- 8.520.1.K. Home Health Services means those services listed at Section 8.520.5, Service Types.
- 8.520.1.L. Home Health Telehealth means the remote monitoring of clinical data transmitted through electronic information processing technologies, from the client to the home health provider which meet HIPAA compliance standards.
- 8.520.1.M. Intermittent means visits that have a distinct start time and stop time, and are task oriented with the goal of meeting a client's specific needs for that visit.
- 8.520.1.N. Ordering Physician means the client's primary care physician, or other physician specialist. For clients in a hospital or nursing facility, the Ordering Physician is the physician responsible for writing discharge orders until such time as the client is discharged. This definition may include an alternate physician authorized by the Ordering Physician to care for the client in the Ordering Physician's absence.
- 8.520.1.O. Personal Care Worker means an employee of a licensed Home Care Agency who has completed the required training to provide Personal Care Services, or who has verified experience providing Personal Care Services for clients. A Personal Care Worker shall not perform tasks that are considered skilled CNA services.
- 8.520.1.P. Place of Residence means where the client lives. Includes temporary accommodations, homeless shelters or other locations for clients who are homeless or have no permanent residence.
- 8.520.1.Q. Plan of Care means a coordinated plan developed by the Home Health Agency, as ordered by the Ordering Physician for provision of services to a client at his or her residence, and periodically reviewed and signed by the physician in accordance with Medicare requirements. This shall be written on the CMS-485 ("485") or a document that is identical in content, specific to the discipline completing the plan of care.
- 8.520.1.R. Pro Re Nata (PRN) means as needed.
- 8.520.1.S. Protective Oversight means maintaining an awareness of the general whereabouts of a client. Also includes monitoring the client's activity so that a caregiver has the ability to intervene and supervise the safety, nutrition, medication, and other care needs of the client.

8.520.2. Client Eligibility

- 8.520.2.A. Home Health Services are available to all Medicaid clients and to all Old Age Pension Program clients, as defined at Section 8.940, when all program and service requirements in this rule are met.
- 8.520.2.B. Medicaid clients aged 18 and over shall meet the Level of Care Screening Guidelines for Long-Term Care Services at Section 8.401, to be eligible for Long-Term Home Health Services, as set forth at Section 8.520.4.C.2.

8.520.3. Provider Eligibility

- 8.520.3.A. Services must be provided by a Medicare and Medicaid-certified Home Health Agency.
- 8.520.3.B. All Home Health Services providers shall comply with the rules and regulations set forth by the Colorado Department of Public Health and Environment, the Colorado Department of Health Care Policy and Financing, the Colorado Department of Regulatory Agencies, the Centers for Medicare and Medicaid Services, and the Colorado Department of Labor and Employment.

8.520.3.C. Provider Agency Requirements

- 1. A Home Health Agency must:
 - a. Be certified for participation as a Medicare Home Health provider under Title XVIII of the Social Security Act;
 - b. Be a Colorado Medicaid enrolled provider;
 - c. Maintain liability insurance for the minimum amount set annually by the Department; and
 - d. Be licensed by the State of Colorado as a Class A Home Care Agency in good standing.
- 2. Home Health Agencies which perform procedures in the client's home that are considered waived clinical laboratory procedures under the Clinical Laboratory Improvement Act of 1988 shall possess a certificate of waiver from the Centers for Medicare and Medicaid Services (CMS) or its Designee.
- 3. Home Health Agencies shall regularly review the Medicaid rules, 10 CCR 2505-10. The Home Health Agency shall make access to these rules available to all staff.
- 4. A Home Health Agency cannot discontinue or refuse services to a client unless documented efforts have been made to resolve the situation that triggers such

discontinuation or refusal. The Home Health Agency must provide notice of at least thirty days to the client, or the client's legal guardian.

5. In the event a Home Health Agency is ceasing operations, or ceasing services to Medicaid clients, the agency will provide notice to the Department's Home Health Policy Specialist of at least thirty days prior to the end of operations.

8.520.4. Covered Services

8.520.4.A. Home Health Services are covered under Medicaid only when all of the following are met:

1. Services are Medically Necessary as defined in Section 8.076.1.8;
2. Services are provided under a Plan of Care as defined at Section 8.520.1., Definitions;
3. Services are provided on an Intermittent basis, as defined at Section 8.520.1., Definitions;
4. The client meets one of the following:
 - a. The only alternative to Home Health Services is hospitalization or emergency room care; or
 - b. Client medical records indicate that medically necessary services should be provided in the client's place of residence, instead of an outpatient setting, according to one or more of the following guidelines:
 - i) The client, due to illness, injury or disability, is unable to travel to an outpatient setting for the needed service;
 - ii) Based on the client's illness, injury, or disability, travel to an outpatient setting for the needed service would create a medical hardship for the client;
 - iii) Travel to an outpatient setting for the needed service is contraindicated by a documented medical diagnosis;
 - iv) Travel to an outpatient setting for the needed service would interfere with the effectiveness of the service; or
 - v) The client's medical diagnosis requires teaching which is most effectively accomplished in the client's place of residence on a short-term basis.

5. The client is unable to perform the health care tasks for him or herself, and no unpaid family/caregiver is able and willing to perform the tasks; and
6. Covered service types are those listed in Service Types, Section 8.520.5.

8.520.4.B. Place of Service

1. Services shall be provided in the client's place of residence or one of the following places of service:
 - a. Assisted Living Facilities (ALFs);
 - b. Alternative Care Facilities (ACFs);
 - c. Group Residential Services and Supports (GRSS) including host homes, apartments or homes where three or fewer clients reside. Services shall not duplicate those that are the contracted responsibility of the GRSS;
 - d. Individual Residential Services and Supports (IRSS) including host homes, apartments or homes where three or fewer clients reside. Services shall not duplicate those that are the contracted responsibility of the IRSS; or
 - e. Hotels, or similar temporary accommodations while traveling, will be considered the temporary place of residence for purposes of this rule.
 - f. Nothing in this section should be read to prohibit a client from receiving Home Health Services in any setting in which normal life activities take place, other than a hospital, nursing facility; intermediate care facility for individuals with intellectual disabilities; or any setting in which payment is or could be made under Medicaid for inpatient services that include room and board.

8.520.4.C. Service Categories

1. Acute Home Health Services
 - a. Acute Home Health Services are covered for clients who experience an acute health care need that requires Home Health Services.
 - b. Acute Home Health Services are provided for 60 or fewer calendar days or until the acute medical condition is resolved, whichever comes first.
 - c. Acute Home Health Services are provided for the treatment of the following acute medical conditions/episodes:
 - i) Infectious disease;
 - ii) Pneumonia;

- iii) New diagnosis of a life-altering disease;
 - iv) Post-heart attack or stroke;
 - v) Care related to post-surgical recovery;
 - vi) Post-hospital care provided as follow-up care for medical conditions that required hospitalization, including neonatal disorders;
 - vii) Post-nursing home care, when the nursing home care was provided primarily for rehabilitation following hospitalization and the medical condition is likely to resolve or stabilize to the point where the client will no longer need Home Health Services within 60 days following initiation of Home Health Services;
 - viii) Complications of pregnancy or postpartum recovery; or
 - iv) Individuals who experience an acute incident related to a chronic disease may be treated under the acute home health benefit. Specific information on the acute incident shall be documented in the record.
- d. A client may receive additional periods of acute Home Health Services when at least 10 days have elapsed since the client's discharge from an acute home health episode and one of the following circumstances occurs:
- i) The client has a change in medical condition that necessitates acute Home Health Services;
 - ii) New onset of a chronic medical condition; or
 - iii) Treatment needed for a new acute medical condition or episode.
- e. Nursing visits provided solely for the purpose of assessment or teaching are covered only during the acute period under the following guidelines:
- i) An initial assessment visit ordered by a physician is covered for determination of whether ongoing nursing or CNA care is needed. Nursing visits for the sole purpose of assessing a client for recertification of Home Health Services shall not be reimbursed if the client receives only CNA services;
 - ii) The visit instructs the client or client's family member/caregiver in providing safe and effective care that would normally be provided by a skilled home health provider; or

- iii) The visit supervises the client or client's family member/caregiver to verify and document that they are competent in providing the needed task.
- f. Acute Home Health Services may be provided to clients who receive Health Maintenance tasks through In-Home Supports and Services (IHSS) or Consumer Directed Attendant Supports and Services (CDASS).
- g. GRSS group home residents may receive acute Home Health Services.
- h. If the acute home health client is hospitalized for planned or unplanned services for 10 or more calendar days, the Home Health Agency may close the client's acute home health episode and start a new acute home health episode when the client is discharged.
- i. Acute Care Home Health Limitations:
 - i) A new period of acute Home Health Services shall not be used for continuation of treatment from a prior Acute Home Health episode. New Acute Episodes must be utilized for a new or worsening condition.
 - ii) A client who is receiving either Long-Term Home Health Services or HCBS waiver services may receive acute Home Health Services only if the client experiences an event listed in subpart c. as an acute incident, which is separate from the standard needs of the client and makes acute Home Health Services necessary.
 - iii) If a client's acute medical condition resolves prior to 60 calendar days from onset, the client shall be discharged from acute home health or transitioned to the client's normal Long-Term Home Health services.

2. Long-Term Home Health Services

- a. Long-term Home Health Services are covered for clients who have long-term chronic needs requiring ongoing Home Health Services.
- b. Long-term Home Health Services may be provided to clients who receive health maintenance tasks through IHSS.
- c. Long-term Home Health Services may not be provided to clients who receive health maintenance tasks through CDASS.
- d. Long-term Home Health Services are provided:
 - i) Following the 60th calendar day for acute home health clients who require additional services to meet treatment goals or to be safely discharged from Home Health Services;

- ii) On the first day of Home Health Services for clients with well documented chronic needs when the client does not require an acute home health care transition period; or
- iii) Continuation of ongoing long-term home health Plan of Care.

e. Long-Term Home Health Limitations:

- i) Clients aged 20 and younger may obtain long-term home health physical therapy, occupational therapy, and speech therapy services when Medically Necessary and when:
 - 1) Therapy services will be more effective if provided in the home setting; or
 - 2) Outpatient therapy would create a hardship for the client.
- ii) Clients aged 21 and older who continue to require physical therapy, occupational therapy, and speech therapy services after the initial acute home health period may only obtain such long-term services in an outpatient setting.
- iii) Clients admitted to long-term Home Health Services through the HCBS waiver program shall meet level of care criteria to qualify for long-term Home Health Services.
- iv) Long-term Home Health Services may be provided in GRSS group home settings, when the GRSS provider agency reimburses the Home Health Agency directly for these Home Health Services. Long-term Home Health Service provision in GRSS group homes is not reimbursable through the State Plan.

3. Long-Term with Acute Episode Home Health:

- a. An episode is considered acute only until it is resolved or until 60 calendar days after onset, whichever comes first.
- b. Long-term with acute episode home health is covered if the client is receiving long-term home health services and requires treatment for an acute episode as defined in section 8.520.4.C.1.

8.520.5. Service Types

8.520.5.A. Nursing Services

1. Standard Nursing Visit

- a. Those skilled nursing services that are provided by a registered nurse under applicable state and federal laws, and professional standards;
- b. Those skilled nursing services provided by a licensed practical nurse under the direction of a registered nurse, to the extent allowed under applicable state and federal laws;
- c. Standard Nursing Visits include but are not limited to:
 - i. 1st medication box fill (medication pre-pouring) of the week;
 - ii. 1st visit of the day; the remaining visits shall utilize brief nursing units as appropriate;
 - iii. Insertion or replacement of indwelling urinary catheters;
 - iv. Colostomy and ileostomy stoma care; excluding care performed by clients;
 - v. Treatment of decubitus ulcers (stage 2 or greater);
 - vi. Treatment of widespread, infected or draining skin disorders;
 - vii. Wounds that require sterile dressing changes;
 - viii. Visits for foot care;
 - ix. Nasopharyngeal, tracheostomy aspiration or suctioning, ventilator care;
 - x. Bolus or continuous Levin tube and gastrostomy (G-tube) feedings, when formula/feeding needs to be prepared or more than 1 can of prepared formula is needed per bolus feeding per visit, ONLY when there is not an able or willing caregiver; and
 - xi. Complex Wound care requiring packing, irrigation, and application of an agent prescribed by the physician.

2. Brief Nursing Visits

- a. Brief nursing visits for established long-term home health clients who require multiple visits per day for uncomplicated skilled tasks that can be completed in a shorter or brief visit (excluding the first regular nursing visit of the day)
- b. Brief Nursing Visits include, but are not limited to:
 - i) Consecutive visits for two or more clients who reside in the same location and are seen by the same Home Health Agency nurse, excluding the first visit of the day;

- ii) Intramuscular, intradermal and subcutaneous injections (including insulin) when required multiple times daily, excluding the first visit of the day;
 - iii) Insulin administration: if the sole reason for a daily visit or multiple visits per day, the first visit of the week is to be treated as a standard nursing visit and all other visits of the week are to be treated as brief nursing visits.
 - iv) Additional visits beyond the first visit of the day where simple wound care dressings are the sole reason for the visit;
 - v) Additional visits beyond the first visit of the day where catheter irrigation is the sole reason for the visit;
 - vi) Additional visits beyond the first visit of the day where external catheterization, or catheter care is the sole purpose for the visit;
 - vii) Bolus Levin or G-tube feedings of one can of prepared formula excluding the first visit of the day, ONLY when there is no willing or able caregiver and it is the sole purpose of the visit;
 - viii) Medication box refills or changes following the first medication pre-pouring of the week;
 - ix) Other non-complex nursing tasks as deemed appropriate by the Department or its Designee when documented clinical findings support a brief visit as being appropriate; or
 - x) A combination of uncomplicated tasks when deemed appropriate by the Department or its Designee when documented clinical findings support a brief visit as being appropriate.
- c. Ongoing assessment shall be billed as brief nursing visits unless the client experiences a change in status requiring a standard visit. If a standard nursing visit is required for the assessment, the agency shall provide documentation supporting the need on the PAR form and on the Plan of Care for the Department or its Designee.

3. PRN Nursing Visits

- a. May be standard nursing visits or brief nursing visits; and
- b. Shall include specific criteria and circumstances that warrant a PRN visit along with the specific number of PRN visits requested for the certification period.

4. Nursing Service Limitations

- a. Nursing assessment visits are not covered if provided solely to open or recertify the case for CNA services, physical, occupational, or speech therapy.
- b. Nursing visits solely for recertifying a client are not covered.
- c. Nursing visits that are scheduled solely for CNA supervision are not covered.
- d. Family member/caregivers, who meet the requirements to provide nursing services and are nurses credentialed by, and in active status with the Department of Regulatory Agencies, may be employed by the Home Health Agency to provide nursing services to a client, but may only be reimbursed for services that exceed the usual responsibilities of the Family Member/Caregiver.
- e. PRN nursing visits may be requested as standard nursing visits or brief nursing visits and shall include a physician's order with specific criteria and circumstances that warrant a PRN visit along with the specific number of PRN visits requested for the certification period.
- f. Nursing visits are not reimbursed by Medicaid if solely for the purpose of psychiatric counseling, because that is the responsibility of the Behavioral Health Organization. Nursing visits for mentally ill clients are reimbursed under Home Health Services for pre-pouring of medications, venipuncture, or other nursing tasks, provided that all other requirements in this section are met.
- g. Medicaid does not reimburse for two nurses during one visit except when two nurses are required to perform a procedure. For this exception, the provider may bill for two visits, or for all units for both nurses. Reimbursement for all visits or units will be counted toward the maximum reimbursement limit.
- h. Nursing visits provided solely for the purpose of assessing or teaching are reimbursed by the Department only in the following circumstances:
 - i) Nursing visits solely for the purpose of assessing the client or teaching the client or the client's unpaid family member/caregiver are not reimbursed unless the care is acute home health or long-term home health with acute episode, per Section 8.520.3, or the care is for extreme instability of a chronic medical condition under long-term home health, per Section 8.520.3. Long-term home health nursing visits for the sole purpose of assessing or teaching are not covered.
 - ii) When an initial assessment visit is ordered by a physician and there is a reasonable expectation that ongoing nursing or CNA care may be needed. Initial nursing assessment visits cannot be reimbursed if provided solely to open the case for physical, occupational, or speech therapy.
 - iii) When a nursing visit involves the nurse performing a nursing task for the purpose of demonstrating to the client or the client's unpaid family

member/caregiver how to perform the task, the visit is not considered as being solely for the purpose of assessing and teaching. A nursing visit during which the nurse does not perform the task, but observes the client or unpaid family member/caregiver performing the task to verify that the task is being performed correctly is considered a visit that is solely for the purpose of assessing and teaching and is not covered.

- iv) Nursing visits provided solely for the purpose of assessment or teaching cannot exceed the frequency that is justified by the client's documented medical condition and symptoms. Assessment visits may continue only as long as there is documented clinical need for assessment, management, and reporting to physician of specific medical conditions or symptoms which are not stable or not resolved. Teaching visits may be as frequent as necessary, up to the maximum reimbursement limits, to teach the client or the client's unpaid family member/caregiver, and may continue only as long as needed to demonstrate understanding or to perform care, or until it is determined that the client or unpaid family member/caregiver is unable to learn or to perform the skill being taught. The visit in which the nurse determines that there is no longer a need for assessment or teaching shall be reimbursed if it is the last visit provided solely for assessment or teaching.
- v) Nursing visits provided solely for the purpose of assessment or teaching are not reimbursed if the client is capable of self-assessment and of contacting the physician as needed, and if the client's medical records do not justify a need for client teaching beyond that already provided by the hospital or attending physician, as determined and documented on the initial Home Health assessment.
- vi) Nursing visits provided solely for the purpose of assessment or teaching cannot be reimbursed if there is an available and willing unpaid family member/caregiver who is capable of assessing the client's medical condition and needs and contacting the physician as needed; and if the client's medical records do not justify a need for teaching of the client's unpaid family member/caregiver beyond the teaching already provided by the hospital or attending physician, as determined and documented on the initial Home Health assessment.
- i. Nursing visits provided solely for the purpose of providing foot care are reimbursed by Medicaid only if the client has a documented and supported diagnosis that supports the need for foot care to be provided by a nurse, and the client or unpaid family member/caregiver is not able or willing to provide the foot care.
- j. Documentation in the medical record shall specifically, accurately, and clearly show the signs and symptoms of the disease process at each visit. The clinical record shall indicate and describe an assessment of the foot or feet, physical and clinical findings consistent with the diagnosis and the need for foot care to be

provided by a nurse. Severe peripheral involvement shall be supported by documentation of more than one of the following:

- i) Absent (not palpable) posterior tibial pulse;
 - ii) Absent (not palpable) dorsalis pedis pulse;
 - iii) Three of the advanced trophic changes:
 - 1) Hair growth (decrease or absence),
 - 2) Nail changes (thickening),
 - 3) Pigmentary changes (discoloration),
 - 4) Skin texture (thin, shiny), or
 - 5) Skin color (rubor or redness);
 - iv) Claudication (limping, lameness);
 - v) Temperature changes (cold feet);
 - vi) Edema;
 - vii) Parasthesia; or
 - viii) Burning.
- k. Nursing visits provided solely for the purpose of pre-pouring medications into medication containers such as med-minders or electronic medication dispensers are reimbursed only if:
- i) The client is not living in a licensed Adult Foster Home or Alternative Care Facility, where the facility staff is trained and qualified to pre-pour medications under the medication administration law at C.R.S. 25-1.5-301;
 - ii) The client is not physically or mentally capable of pre-pouring medications or has a medical history of non-compliance with taking medications if they are not pre-poured;
 - iii) The client has no unpaid family member/caregiver who is willing or able to pre-pour the medications for the client; and

iv) There is documentation in the client's chart that the client's pharmacy was contacted upon admission to the Home Health Agency, and that the pharmacy will not provide this service; or that having the pharmacy provide this service would not be effective for this particular client.

I. The unit of reimbursement for nursing services is one visit, which is defined as the length of time required to provide the needed care, up to a maximum of two and one-half hours spent in client care or treatment.

8.520.5.B. Certified Nurse Aide Services

1. CNA services may be provided when a nurse or therapist determines that an eligible client requires the skilled services of a qualified CNA, as such services are defined in this section 8.520.5.B.13
2. CNA tasks shall not duplicate waiver services or the client's residential agreement (such as an ALF, IRSS, GRSS, or other Medicaid reimbursed Residence, or adult day care setting).
3. Skilled care shall only be provided by a CNA when a client is unable to independently complete one or more ADLs. Skilled CNA services shall not be reimbursed for tasks or services that are the contracted responsibilities of an ALF, IRSS, GRSS or other Medicaid reimbursed Residence.
4. Before providing any services, all CNAs shall be trained and certified according to Federal Medicare regulations, and all CNA services shall be supervised according to Medicare Conditions of Participation for Home Health Agencies found at 42 CFR 484.36. Title 42 of the Code of Federal Regulations, Part 484.36 (2013) is hereby incorporated by reference into this rule. Such incorporation, however, excludes later amendments to or editions of the referenced material. These regulations are available for public inspection at the Department of Health Care Policy and Financing, 1570 Grant Street, Denver, CO 80203. The agency shall provide certified copies of the material incorporated at cost upon request or shall provide the requestor with information on how to obtain a certified copy of the material incorporated by reference from the agency of the United States, this state, another state, or the organization or association originally issuing the code, standard, guideline or rule.
5. If the client receiving CNA services also requires and receives skilled nursing care or physical, occupational or speech therapy, the supervising registered nurse or therapist shall make on-site supervisory visits to the client's home no less frequently than every two weeks.
6. If the client receiving CNA services does not require skilled nursing care or physical, occupational or speech therapy, the supervising registered nurse shall make on-site supervisory visits to the client's home no less frequently than every 60 days. Each supervisory visit shall occur while the CNA is providing care. Visits by the registered

nurse to supervise and to reassess the care plan are considered costs of providing the CNA services, and cannot be billed to Medicaid as nursing visits.

7. Registered nurses and physical, occupational and speech therapists supervising CNAs shall comply with applicable state laws governing their respective professions.
8. CNA services can include personal care and homemaking tasks if such tasks are completed during the skilled care visit and are defined below:
 - a. Personal care or homemaking services which are directly related to and secondary to skilled care are considered part of the skilled care task, and are not further reimbursed. For clients who are also eligible for HCBS personal care and homemaker services, the units spent on personal care and homemaker services may not be billed as CNA services.
 - b. Nurse aide tasks performed by a CNA pursuant to the nurse aide scope of practice defined by the State Board of Nursing, but does not include those tasks that are allowed as personal care, at Section 8.535, PEDIATRIC PERSONAL CARE.
 - c. Personal care means those tasks which are allowed as personal care at Section 8.535, PEDIATRIC PERSONAL CARE, and Section 8.489, HOME AND COMMUNITY BASED SERVICES-EBD, PERSONAL CARE.
 - d. Homemaking means those tasks allowed as homemaking tasks at Section 8.490, HOME AND COMMUNITY BASED SERVICES. - EBD, HOMEMAKER SERVICES.
9. CNA services solely for the purpose of behavior management are not a benefit under Medicaid Home Health, because behavior management is outside the nurse aide scope of practice.
10. The usual frequency of all tasks is as ordered by the Ordering Physician on the Plan of Care unless otherwise noted.
11. The Home Health Agency shall document the decline in medical condition or the need for all medically necessary skilled tasks.
12. Skilled Certified Nurse Aide Tasks
 - a. Ambulation
 - i) Task includes: Walking or moving from place to place with or without assistive device.
 - ii) Ambulation is a skilled task when:

- 1) Client is unable to assist or direct care;
 - 2) Hands on assistance is required for safe ambulation and client is unable to maintain balance or to bear weight reliably; or
 - 3) Client has not been deemed independent with assistive devices ordered by a qualified physician.
- iii) Special Considerations: Ambulation shall not be a sole reason for a CNA visit.

b. Bathing/Showering

- i) Task includes either:
- 1) Preparation for bath or shower, checking water temperature; assisting client into bath or shower; applying soap and shampoo; rinsing off, towel drying; and all transfers and ambulation related to bathing; all hair care, pericare and skin care provided in conjunction with bathing; or
 - 2) Bed bath or sponge bath.
- ii) The usual frequency of this task shall be up to one time daily.
- iii) Bathing/Showering is a skilled task when either:
- 1) Open wound(s), stoma(s), broken skin or active chronic skin disorder(s) are present; or
 - 2) Client is unable to maintain balance or to bear weight due to illness, injury, disability, a history of falls, temporary lack of mobility due to surgery or other exacerbation of illness, injury or disability.
- iv) Special Considerations:
- 1) Additional baths may be warranted for treatment and shall be documented by physician order and Plan of Care.
 - 2) A second person may be staffed when required to safely bathe the client.
 - 3) Hand over hand assistance may be utilized for short term (up to 90 days) training of the client in Activities of Daily Living when there has been a change in the client's medical condition that has increased the client's ability to perform this task.

c. Bladder Care

- i) Task includes:
 - 1) Assistance with toilet, commode, bedpan, urinal, or diaper;
 - 2) Transfers, skin care, ambulation and positioning related to bladder care; and
 - 3) Emptying and rinsing commode or bedpan after each use.
- ii) Bladder Care concludes when the client is returned to a pre-urination state.
- iii) Bladder Care is a skilled task when either:
 - 1) Client is unable to assist or direct care, broken skin or recently healed skin breakdown (less than 60 days); or
 - 2) Client requires skilled skin care associated with bladder care or client has been assessed as having a high and ongoing risk for skin breakdown.

d. Bowel Care

- i) Task includes:
 - 1) Changing and cleaning incontinent client, or hands on assistance with toileting; and
 - 2) Returning client to pre-bowel movement status, which includes transfers, skin care, ambulation and positioning related to bowel care.
- ii) Bowel care is a skilled task when either:
 - 1) Client is unable to assist or direct care, broken skin or recently healed skin breakdown (less than 60 days) is present; or
 - 2) Client requires skilled skin care associated with bowel care or client has been assessed as having a high and ongoing risk for skin breakdown.

e. Bowel Program

- i) Skilled Task includes:
 - 1) Administering bowel program as ordered by the client's qualified physician, including digital stimulation, administering enemas,

suppositories, and returning client to pre-bowel program status;
or

- 2) Care of a colostomy or ileostomy, which includes emptying the ostomy bag, changing the ostomy bag and skin care at the site of the ostomy and returning the client to pre-procedure status.

ii) Special Considerations

- 1) To perform the task, the client must have a relatively stable or predictable bowel program/condition and a qualified physician deems that the CNA is competent to provide the client-specific program.
- 2) Use of digital stimulation and over-the-counter suppositories or over-the-counter enema (not to exceed 120ml) only when the CNA demonstrates competence in the Home Health Agency's Policies & Procedures for the task. (Agencies may choose to delegate this task to the CNA.)

f. Catheter Care

i) Task includes:

- 1) Care of external, Foley and Suprapubic catheters;
- 2) Changing from a leg to a bed bag and cleaning of tubing and bags as well as perineal care;
- 3) Emptying catheter bags; and
- 4) Transfers, skin care, ambulation and positioning related to the catheter care.

ii) The usual frequency of this task shall not exceed two times daily.

iii) Catheter care is a skilled task when either:

- 1) Emptying catheter collection bags (indwelling or external) includes a need to record and report the client's urinary output to the client's nurse; or
- 2) The indwelling catheter tubing needs to be opened for any reason and the client is unable to do so independently.

iv) Special Considerations: Catheter care shall not be the sole purpose of the CNA visit.

g. Dressing

- i) Task includes:
 - 1) Dressing and undressing with ordinary clothing, including pantyhose or socks and shoes;
 - 2) Placement and removal of braces and splints; and
 - 3) All transfers and positioning related to dressing and undressing.
- ii) The usual frequency of this task shall not exceed twice daily.
- iii) Dressing is a skilled task when:
 - 1) Client requires assistance with the application of anti-embolic or pressure stockings and placement of braces or splints that can be obtained only with a prescription from a qualified physician; or
 - 2) Client is unable to assist or direct care; or
 - 3) Client experiences a temporary lack of mobility due to surgery or other exacerbation of illness, injury or disability.
- iv) Special Considerations: Hand-over-hand assistance may be utilized for short term (up to 90 days) training of the client in Activities of Daily Living when there has been a change in the client's medical condition that has increased the client's ability to perform this task.

h. Exercise/Range of Motion (ROM)

- i) Task includes: ROM and other exercise programs prescribed by a therapist or qualified physician, and only when the client is not receiving exercise/ROM from a therapist or a doctor on the same day.
- ii) Exercise/Range of Motion (ROM) is a skilled task when: The exercise/ROM, including passive ROM, is prescribed by a qualified physician and the CNA has demonstrated competency.
- iii) Special Considerations: The Home Health Agency shall ensure the CNA is trained in the exercise program. The Home Health Agency shall maintain the exercise program documentation in the client record and it shall be evaluated/renewed by the qualified physician or therapist with each Plan of Care.

i. Feeding

- i) Task includes:

- 1) Ensuring food is the proper temperature, cutting food into bite-size pieces, and ensuring the food is proper consistency;
 - 2) Placing food in client's mouth; and
 - 3) Gastric tube (g-tube) formula preparation, verifying placement and patency of tube, administering tube feeding and flushing tube following feeding if the Home Health Agency and supervising nurse deem the CNA competent.
- ii) The usual frequency of this task shall not exceed three times daily.
- iii) Feeding is a skilled task when:
- 1) Client is unable to communicate verbally, non-verbally or through other means;
 - 2) Client is unable to be positioned upright;
 - 3) Client is on a modified texture diet;
 - 4) Client has a physiological or neurogenic chewing or swallowing problem;
 - 5) Client is on mechanical ventilation;
 - 6) Client requires oral suctioning;
 - 7) A structural issue (such as cleft palate) or other documented swallowing issues are present; or
 - 8) Client has a history of aspirating food.
- iv) Special Considerations:
- 1) There shall be a documented decline in medical condition or an ongoing need documented in the client's record.
 - 2) A Home Health Agency may allow a CNA to perform a syringe feeding and tube feeding if the CNA is deemed competent.

j. Hygiene – Hair Care/Grooming

- i) Task includes: Shampooing, conditioning, drying, and combing.
- ii) Task does not include perming, hair coloring, or other extensive styling including, but not limited to, updos, placement of box braids or other elaborate braiding or placing hair extensions.

- iii) Task may be completed during skilled bath/shower.
- iv) The usual frequency of this task shall not exceed twice daily.
- v) Hygiene – Hair Care/Grooming is a skilled task when:
 - 1) Client is unable to complete task independently;
 - 2) Client requires shampoo/conditioner that is prescribed by a qualified physician and dispensed by a pharmacy; or
 - 3) Client has open wound(s) or stoma(s) on the head.
- vi) Special Considerations:
 - 1) Hand over hand assistance may be utilized for short term (up to 90 days) training of the client in Activities of Daily Living when there has been a change in the client's medical condition that has increased the client's ability to perform this task.
 - 2) Styling of hair is never considered a skilled task.

k. Hygiene – Mouth Care

- i) Task includes:
 - 1) Brushing teeth;
 - 2) Flossing;
 - 3) Use of mouthwash;
 - 4) Denture care;
 - 5) Swabbing (toothette); or
 - 6) Oral suctioning.
- ii) The usual frequency of this task is up to three times daily.
- iii) Hygiene – Mouth Care is a skilled task when:
 - 1) Client is unconscious;
 - 2) Client has difficulty swallowing;
 - 3) Client is at risk for choking and aspiration;

- 4) Client requires oral suctioning;
 - 5) Client has decreased oral sensitivity or hypersensitivity; or
 - 6) Client is on medications that increase the risk of bleeding of the mouth.
- iv) Special Considerations: Hand over hand assistance may be utilized for short term (up to 90 days) training of the client in Activities of Daily Living when there has been a change in the client's medical condition that has increased the client's ability to perform this task.

I. Hygiene – Nail Care

- i) Task includes: Soaking, filing, and nail trimming.
- ii) The usual frequency of this task shall not exceed one time weekly.
- iii) Hygiene – Nail Care is a skilled task when:
 - 1) The client has a medical condition that involves peripheral circulatory problems or loss of sensation;
 - 2) The client is at risk for bleeding; or
 - 3) The client is at high risk for injury secondary to the nail care.
- iv) Nail Care shall only be completed by a CNA who has been deemed competent in nail care by the Home Health Agency for this population.
- v) Special Considerations: Hand over hand assistance may be utilized for short term (up to 90 days) training of the client in Activities of Daily Living when there has been a change in the client's medical condition that has increased the client's ability to perform this task.

m. Hygiene – Shaving

- i) Task includes: shaving of face, legs and underarms with manual or electric razor.
- ii) The usual frequency of this task shall not exceed once daily; task may be completed with bathing/showering.
- iii) Hygiene – Shaving is a skilled task when:

- 1) The client has a medical condition involving peripheral circulatory problems;
 - 2) The client has a medical condition involving loss of sensation;
 - 3) The client has an illness or takes medications that are associated with a high risk for bleeding; or
 - 4) The client has broken skin at/near shaving site or a chronic active skin condition.
- iv) Special Considerations: Hand over hand assistance may be utilized for short term (up to 90 days) training of the client in Activities of Daily Living when there has been a change in the client's medical condition that has increased the client's ability to perform this task.

n. Meal Preparation

- i) Task includes:
- 1) Preparation of food, ensuring food is proper consistency based on the client's ability to swallow food safely; or
 - 2) Formula preparation.
- ii) The usual frequency of this task shall not exceed three times daily.
- iii) Meal Preparation is a skilled task when: Client's diet requires either nurse oversight to administer correctly, or meals requiring a modified consistency.

o. Medication Reminders

- i) Task includes:
- 1) Providing client reminders that it is time to take medications;
 - 2) Handing of pre-filled medication box to client;
 - 3) Handing of labeled medication bottle to client; or
 - 4) Opening of prefilled box or labeled medication bottle for client.
- ii) This task may be completed by a CNA during the course of a visit, but cannot be the sole purpose of the visit.
- iii) A CNA may not perform this task, unless the CNA meets the DORA-approved CNA-MED certification, at 3 C.C.R. § 716-1 Chapter 19

Section 6. If the CNA does not meet the DORA certifications, the CNA may still ask if the client has taken medications and may replace oxygen tubing and may set oxygen to ordered flow rate.

- iv) Special Considerations: CNAs shall not administer medications without obtaining the CNA-MED certification from the DORA approved course. 3 C.C.R. 716-1 Chapter 19 Section 6. If the CNA has obtained this certification, the CNA may perform pre-pouring and medication administration within the scope of CNA-MED certification at 3 C.C.R. 716-1 Chapter 19 Section 3.

p. Positioning

i) Task includes:

- 1) Moving the client from the starting position to a new position while maintaining proper body alignment and support to a client's extremities, and avoiding skin breakdown; and
- 2) Placing any padding required to maintain proper alignment.
- 3) Positioning as a stand-alone task excludes positioning that is completed in conjunction with other Activities of Daily Living.

ii) Positioning is a skilled task when:

- 1) Client is unable to communicate verbally, non-verbally or through other means;
- 2) Client is not able to perform this task independently due to illness, injury or disability; or
- 3) Client has temporary lack of mobility due to surgery or other exacerbation of illness, injury or disability.
- 4) Positioning the client requires adjusting the client's alignment or posture in a bed, wheelchair, other furniture, assistive devices, or Durable Medical Equipment that has been ordered by a qualified physician.

iii) Special Considerations:

- 1) The Home Health Agency shall coordinate visits to ensure that effective scheduling is utilized for skilled Intermittent visits.
- 2) Positioning cannot be the sole reason for a visit.

q. Skin Care

- i) Task includes:
 - 1) Applying lotion or other skin care product, when it is not performed in conjunction with bathing or toileting tasks.
- ii) Skin care is a skilled task when:
 - 1) Client requires additional skin care that is prescribed by a qualified physician or dispensed by a pharmacy;
 - 2) Client has broken skin; or
 - 3) Client has a wound(s) or active skin disorder and is unable to apply product independently due to illness, injury or disability.
- iii) Special Considerations:
 - 1) Hand over hand assistance may be utilized for short term (up to 90 days) training of the client in Activities of Daily Living when there has been a change in the client's medical condition that has increased the client's ability to perform this task.
 - 2) This task may be included with positioning.

r. Transfers

- i) Task includes:
 - 1) Moving the client from one location to another in a safe manner.
- ii) It is not considered a separate task when a transfer is performed in conjunction with bathing, bladder care, bowel care or other CNA task.
- iii) Transfers is a skilled task when:
 - 1) Client is unable to communicate verbally, non-verbally or through other means;
 - 2) Client is not able to perform this task independently due to fragility of illness, injury or disability;
 - 3) Client has a temporary lack of mobility due to surgery or other exacerbation of illness, injury or disability;
 - 4) Client lacks the strength and stability to stand or bear weight reliably;

- 5) Client is not deemed independent in the use of assistive devices or Durable Medical Equipment that has been ordered by a qualified physician; or
 - 6) Client requires a mechanical lift for safe transfers. In order to transfer clients via a mechanical lift, the CNA shall be deemed competent in the particular mechanical lift used by the client.
- iv) Special Considerations:
- 1) A second person may be used when required to safely transfer the client.
 - 2) Transfers may be completed with or without mechanical assistance.
 - 3) Any unskilled task which requires a skilled transfer shall be considered a skilled task.

s. Vital Signs Monitoring

- i) Task includes:
- 1) Taking and reporting the temperature, pulse, blood pressure and respiratory rate of the client.
 - 2) Blood glucose testing and pulse oximetry readings only when the CNA has been deemed competent in these measures.
- ii) Vital sign monitoring is always a skilled task.
- iii) Special Considerations:
- 1) Shall only be performed when delegated by the client's nurse. Vital signs monitoring cannot be the sole purpose of the CNA visit.
 - 2) Vital signs shall be taken only as ordered by the client's nurse or the Plan of Care and shall be reported to the nurse in a timely manner.
 - 3) The CNA shall not provide any intervention without the nurse's direction, and may only perform interventions that are within the CNA practice act and for which the CNA has demonstrated competency.

13. Certified Nurse Aide Limitations

- a. In accordance with the Colorado Nurse Aide Practice Act, a CNA shall only provide services that have been ordered on the Home Health Plan of Care as written by the Ordering Physician.
- b. CNAs assist with Activities of Daily Living and cannot perform a visit for the purpose of behavior modification. When a client's disabilities involve behavioral manifestations, the CNA shall follow all applicable behavioral plans and refrain from actions that will escalate or upset the client. In such cases the guardian, case manager, behavioral professional or mental health professional shall provide clear direction to the agency for the provision of care. The CNA shall not perform Behavioral Interventions, beyond those listed in c. of this section.
- c. If the client has a behavior plan created by a behavior or mental health professional, the CNA shall follow this plan within their scope and training to the same extent that a family client or paraprofessional in a school would be expected to follow the plan.
- d. When an agency allows a CNA to perform skilled tasks that require competency or delegation, the agency shall have policies and procedures regarding its process for determining the competency of the CNA. All competency testing and documentation related to the CNA shall be retained in the CNA's personnel file.
- e. CNA services can only be ordered when the task is outside of the usual responsibilities of the client's family member/caregiver.
- f. Cuing or hand over hand assistance to complete Activities of Daily Living is not considered a skilled task, however, the agency may provide up to 90 days of care to teach a client Activities of Daily Living when the client is able to learn to perform the tasks independently. Cuing or hand over hand care that exceeds 90 days, or is provided when the client has not had a change in ability to complete self-care techniques, is not covered. If continued cuing or hand over hand assistance is required after 90 days, this task shall be transferred to a Personal Care Worker or other competent individual who can continue the task.
- g. Personal care needs or skilled CNA services that are the contracted responsibility of an ALF, GRSS or IRSS are not reimbursable as a separate Medicaid Home Health Service.
- h. Family members/caregivers who meet all relevant requirements may be employed as a client's CNA, but may only provide services that are identified in this benefit coverage standard as skilled CNA services and that exceed the usual responsibilities of the family member/caregiver. Family member/caregiver CNAs must meet all CNA requirements.
- i. All CNAs who provide Home Health Services shall be subject to all requirements set forth by the policies of the Home Health Agency, and all applicable State and Federal laws.
- j. When a CNA holds other licensure(s) or certification(s), but is employed as or functions as a CNA, the services are reimbursed at the CNA rate for services.

- k. CNA visits cannot be approved for, nor can extended units be billed for the sole purpose of completing personal care, homemaking tasks or instrumental Activities of Daily Living.
- l. Personal care needs for clients ages twenty years and under, not directly related to a skilled care task, shall be addressed through Section 8.535, PEDIATRIC PERSONAL CARE.
- m. Homemaker Services provided as directly related tasks secondary to skilled care during a skilled CNA visit shall be limited to the permanent living space of the client. Such services are limited to tasks that benefit the client and are not for the primary benefit of other persons living in the home.
- n. Nursing or CNA visits, or requests for extended visits, for the sole purpose of Protective Oversight are not reimbursable by Medicaid.
- o. CNA services for the sole purpose of providing personal care or homemaking services are not covered.
- p. The Department does not reimburse for services provided by two CNAs to the same client at the same time, except when two CNAs are required for transfers, there are no other persons available to assist, and the reason why adaptive equipment cannot be used instead is documented in the Plan of Care. For this exception, the provider may bill for two visits, or for all units for both aides. Reimbursement for all visits or units will be counted toward the maximum reimbursement limit.
- q. The basic unit of reimbursement for CNA services is up to one hour. A unit of time that is less than fifteen minutes cannot be reimbursed as a basic unit.
- r. For CNA visits that last longer than one hour, extended units may be billed in addition to the basic unit. Extended units shall be increments of fifteen minutes up to one-half hour. Any unit of time that is less than fifteen minutes cannot be reimbursed as an extended unit.

14. Certified Nurse Aide (CNA) Supervision

- a. CNA services shall be supervised by a registered nurse, by the physical therapist, or when appropriate, the speech therapist or occupational therapist depending on the specific Home Health Services the client is receiving.
- b. If the client receiving CNA services is also receiving skilled nursing care or physical therapy or occupational therapy, the supervising registered nurse or therapist shall make supervisory visits to the client's home no less frequently than every 14 days. The CNA does not have to be present for every supervisory visit. However, the registered nurse, or the therapist shall make on-site supervisory visits to observe the CNA in the client's home at least every 60 days.
- c. If the client is only receiving CNA services, the supervising registered nurse or the physical therapist shall make on-site supervisory visits to observe the CNA in the client's home at least every 60 days.

- d. The Department does not reimburse for any visit made solely for the purpose of supervising the CNA.
- e. For all clients expected to require CNA services for at least a year, during supervisory visits the supervising nurse shall:
 - i) Obtain input from the client, or the client's designated representative into the Certified Nurse Aide Assignment Form, including all CNA tasks to be performed during each scheduled time period.
 - ii) Document details, duties, and obligations on the Certified Nurse Aide Assignment Form.
 - iii) Assure the Certified Nurse Aide Assignment Form contains information regarding special functional limitations and needs, safety considerations, special diets, special equipment, and any other information pertinent to the care to be provided by the CNA.
 - iv) Obtain the client's, or the client's authorized representative's, per section 8.520.7.E.1, signature on the form, and provide a copy to the client at the beginning of services, and at least once per year thereafter. A new copy of the Written Notice of Home Care Consumer Rights form, per section 8.520.7.E.1, shall also be provided at these times.
 - v) Explain the rights listed in the patient's rights form whenever the Certified Nurse Aide Assignment Form is renegotiated and rewritten.
 - vi) For purposes of complying with this requirement, once per year means a date within one year of the prior certification.

- 15. If a client does not meet the factors that make a task skilled, as outlined in Section 8.520.5., the client may be eligible to receive those services as unskilled personal care through Section 8.535, PEDIATRIC PERSONAL CARE, or Section 8.489, HOME AND COMMUNITY BASED SERVICES-EBD, PERSONAL CARE.

8.520.5.C. Therapy Services

- 1. Therapies are only covered:
 - a. In acute home health care; or
 - b. Clients 20 years of age or younger may receive long-term home health therapy when services are medically necessary.

- c. When the client's Ordering Physician prescribes therapy services, and the therapist is responsible for evaluating the client and creating a treatment plan with exercises in accordance with practice guidelines.
- 2. The therapist shall teach the client, the client's family member/caregiver and other clients of the Home Health care team to perform the exercises as necessary for an optimal outcome.
- 3. When the therapy Plan of Care includes devices and equipment, the therapist shall assist the client in initiating or writing the request for equipment and train the client on the use of the equipment.
- 4. Home Health Agencies shall only provide physical, occupational, or speech therapy services when:
 - a. Improvement of functioning is expected or continuing;
 - b. The therapy assists in overcoming developmental problems;
 - c. Therapy visits are necessary to prevent deterioration;
 - d. Therapy visits are indicated to evaluate and change ongoing treatment plans for the purpose of preventing deterioration, and to teach CNAs or others to carry out such plans, when the ongoing treatment does not require the skill level of a therapist; or
 - e. Therapy visits are indicated to assess the safety or optimal functioning of the client in the home, or to train in the use of equipment used in implementation of the therapy Plan of Care.
- 5. Physical Therapy
 - a. Physical therapy includes any evaluations and treatments allowed under state law at C.R.S. 12- 41-101 through 130, which are applicable to the home setting.
 - b. When devices and equipment are indicated by the therapy Plan of Care, the therapist shall assist in initiating or writing the request in accordance with Section 8.590 through 8.594.03, Durable Medical Equipment, and shall assist in training on the use of the equipment.
 - c. Treatment must be provided by or under the supervision of a licensed physical therapist who meets the qualifications prescribed by federal regulation for participation in Medicare, at 42 CFR 484.4; and who meets all requirements under state law. Title 42 of the Code of Federal Regulations, Part 484.4 (2013) is hereby incorporated by reference into this rule. Such incorporation, however, excludes later amendments to or editions of the referenced material. These regulations are available for public inspection at the Department of Health Care Policy and Financing, 1570 Grant Street, Denver, CO 80203. The agency shall provide certified copies of the material incorporated at cost upon request or shall

provide the requestor with information on how to obtain a certified copy of the material incorporated by reference from the agency of the United States, this state, another state, or the organization or association originally issuing the code, standard, guideline or rule.

- i) Physical therapy assistants (PTA) can render Home Health therapy but shall practice under the supervision of a registered physical therapist.
- d. For clients who do not require skilled nursing care, the physical therapist may open the case and establish the Plan of Care.
- e. Physical therapists are responsible for completing client assessments related to various physical skills and functional abilities.
- f. Physical therapy includes evaluations and treatments allowed under state law and is available to all acute home health clients and pediatric long-term Home Health clients. Therapy plans and assessments shall contain the therapy services requested; the specific procedures and modalities to be used, including amount, duration, and frequency; and specific goals of therapy service provision.
- g. Limitations
 - i) Physical therapy for clients age 21 or older is not covered for acute care needs when treatment becomes focused on maintenance, and no further functional progress is apparent or expected to occur.
 - ii) Physical therapy is not a benefit for adult long-term home health clients. Clients 20 years of age or younger may receive Long-Term Home Health therapy services when services are medically necessary.
 - iii) Clients ages 21 and older who continue to require therapy after the acute home health period may obtain long-term therapy services in an outpatient setting. Clients shall not be moved to acute home health for the sole purpose of continuing therapy services from a previous acute home health care episode.
 - iv) Clients 20 years of age or younger may obtain therapy services for maintenance care through acute home health and through long-term home health.
 - v) Physical therapy visits for the sole purpose of providing massage or ultrasound are not covered.
 - vi) Medicaid does not reimburse for two physical therapists during one visit.
 - vii) The unit of reimbursement for physical therapy is one visit, which is defined as the length of time required to provide the needed care, up to a maximum of two and one-half hours spent in client care or treatment.

6. Occupational Therapy

- a. Occupational therapy includes evaluations and treatments allowed under the standards of practice authorized by the American Occupational Therapy Association, which are applicable to the home setting.
- b. When devices and equipment are indicated by the therapy Plan of Care, the therapist shall assist in initiating or writing the request and shall assist in training the client on the use of the equipment.
- c. Treatment shall be provided by or under the supervision of a registered occupational therapist who meets the qualifications prescribed by federal regulations for participation under applicable federal and state laws, including Medicare requirements at 42 CFR 484.4.
 - i) Occupational therapy assistants (OTA) can render Home Health therapy but shall practice under the supervision of a registered occupational therapist.
- d. For clients who do not require skilled nursing care, the occupational therapist may open the case and establish the Plan of Care.
- e. Occupational therapy includes only evaluations and treatments that are allowed under state law for occupational therapists.
- f. Occupational therapists shall create a plan and perform assessments which state the specific therapy services requested, the specific procedures and modalities to be used, the amount, duration, frequency, and the goals of the therapy service provision.
- g. Limitations
 - i) Occupational therapy for clients age 21 or older is not a benefit under acute Home Health Services when treatment becomes maintenance and no further functional progress is apparent or expected to occur.
 - ii) Occupational therapy is not a benefit for adult long-term home health clients.
 - iii) Clients ages 21 and older who continue to require therapy after the acute home health period may only obtain long-term therapy services in an outpatient setting.
 - iv) Clients shall not be moved to acute home health for the sole purpose of continuing therapy services from a previous acute home health care episode.

- v) Clients 20 years of age or younger may continue to obtain therapy services for maintenance care in acute home health and in long-term home health.
- vi) Medicaid does not reimburse for two occupational therapists during one visit.
- vii) The unit of reimbursement for occupational therapy is one visit, which is defined as the length of time required to provide the needed care, up to a maximum of two and one-half hours spent in client care or treatment.

7. Speech Therapy

- a. Speech therapy services include any evaluations and treatments allowed under the American Speech-Language-Hearing Association (ASHA) authorized scope of practice statement, which are applicable to the home setting.
- b. When devices and equipment are indicated by the therapy plan of care, the therapist shall assist in initiating or writing the request in accordance with Section 8.590 through 8.594.03, Durable Medical Equipment, and shall assist in training on the use of the equipment.
- c. Treatment must be provided by a speech/language pathologist who meets the qualifications prescribed by federal regulations for participation under Medicare at 42 CFR 484.4.
- d. For clients who do not require skilled nursing care, the speech therapist may open the case and establish the Medicaid plan of care.
- e. The speech/language pathologist shall state the specific therapy services requested, the specific procedures and modalities to be used, as well as the amount, duration, frequency and specific goals of therapy services on the Plan of Care.
- f. Limitations
 - i) Speech therapy for clients age 21 or older is not a benefit under acute Home Health Services when treatment becomes maintenance and no further functional progress is apparent or expected to occur.
 - ii) Clients cannot be moved to acute home health for the sole purpose of continuing therapy services from a previous acute home health care episode.
 - iii) Speech therapy is not a benefit for adult long-term home health clients.

- iv) Treatment of speech and language delays is only covered when associated with a chronic medical condition, neurological disorder, acute illness, injury, or congenital issue.
- v) Clients 20 years of age or younger may continue to obtain therapy services for maintenance care in acute home health and in long-term home health.
- vi) Medicaid does not reimburse for two speech therapists during one visit.
- vii) The unit of reimbursement for speech therapy is one visit, which is defined as the length of time required to provide the needed care, up to a maximum of two and one-half hours spent in client care or treatment.

8.520.5.D. Home Health Telehealth Services

1. The Home Health Agency shall create policies and procedures for the use and maintenance of the monitoring equipment and the process of telehealth monitoring. This service shall be used to monitor the client and manage the client's care, and shall include all of the following elements:
 - a. The client's designated registered nurse or licensed practical nurse, consistent with state law, shall review all data collected within 24 hours of receipt of the ordered transmission, or in cases where the data is received after business hours, on the first business day following receipt of the data;
 - b. The client's designated nurse shall oversee all planned interventions;
 - c. Client-specific parameters and protocols defined by the agency staff and the client's authorizing physician or podiatrist; and
 - d. Documentation of the clinical data in the client's chart and a summary of response activities, if needed.
 - i) The nurse assessing the clinical data shall sign and date all documentation; and
 - ii) Documentation shall include the health care data that was transmitted and the services or activities that are recommended based on the data.
2. The Home Health Agency shall provide monitoring equipment that possesses the capability to measure any changes in the monitored diagnoses, and meets all of the following requirements:
 - a. FDA certified or UL listed, and used according to the manufacturer's instructions;

- b. Maintained in good repair and free from safety hazards; and
 - c. Sanitized before installation in a client's home.
- 3. Home Health Telehealth services are covered for clients receiving Home Health Services, when all of the following requirements are met:
 - a. Client receives services from a home health provider for at least one of the following diagnoses:
 - i) Congestive Heart Failure;
 - ii) Chronic Obstructive Pulmonary Disease;
 - iii) Asthma;
 - iv) Diabetes;
 - v) Pneumonia; or
 - vi) Other diagnosis or medical condition deemed eligible by the Department or its Designee.
 - b. Client requires ongoing and frequent monitoring, minimum of five times weekly, to manage their qualifying diagnosis as defined and ordered by a physician or podiatrist;
 - c. Client has demonstrated a need for ongoing monitoring as evidenced by:
 - i) Having been hospitalized or admitted to an emergency room two or more times in the last twelve months for medical conditions related to the qualifying diagnosis;
 - ii) If the client has received Home Health Services for less than six months, the client was hospitalized at least once in the last three months;
 - iii) An acute exacerbation of a qualifying diagnosis that requires telehealth monitoring; or
 - iv) New onset of a qualifying disease that requires ongoing monitoring to manage the client in their residence.
 - d. Client or caregiver misses no more than five transmissions of the provider and agency prescribed monitoring events in a thirty-day period; and

- e. Client's home environment has the necessary connections to transmit the telehealth data to the agency and has space to set up and use the equipment as prescribed.
- 4. The Home Health Agency shall make at least one home health nursing visit every 14 days to a client using Home Health Telehealth services.
- 5. The Home Health Agency shall develop agency-specific criteria for assessment of the need for Home Health Telehealth services, to include patient selection criteria, home environment compatibility, and patient competency. The agency shall complete these assessment forms prior to the submission of the enrollment application and they shall be kept on file at the agency.
- 6. The client and/or caregiver shall comply with the telehealth monitoring as ordered by the qualifying physician.
- 7. Limitations:
 - a. Clients who are unable to comply with the ordered telehealth monitoring shall be disenrolled from the services.
 - b. Services billed prior to obtaining approval to enroll a client into Home Health Telehealth services by the Department or its Designee are not a covered benefit.
 - c. The unit of reimbursement for Home Health Telehealth is one calendar day.
 - i) The Home Health Agency may bill one initial installation unit per client lifetime when the monitoring equipment is installed in the home.
 - ii) The Home Health Agency may bill the daily rate for each day the telehealth monitoring equipment is used to monitor and manage the client's care.
 - d. Once per lifetime per client, a Home Health Agency may bill for the installation of the Home Health Telehealth equipment.

8.520.6 Supplies

- 8.520.6.A. Reimbursement for routine supplies is included in the reimbursement for nursing, CNA, physical therapy, occupational therapy, and speech therapy services. Routine supplies are supplies that are customarily used during the course of home care visits. These are standard supplies utilized by the Home Health Agency staff, and not designated for a specific client.
- 8.520.6.B. Non-routine supplies may be a covered benefit when approved by the Department or its Designee.
- 8.520.6.C. Limitations

1. A Home Health Agency cannot require a client to purchase or provide supplies that are necessary to carry out the client's Plan of Care.
2. A client may opt to provide his or her own supplies.

8.520.7. Documentation

- 8.520.7.A. Home Health Agencies shall have written policies regarding nurse delegation.
- 8.520.7.B. Home Health Agencies shall have written policies regarding maintenance of clients' durable medical equipment, and make full disclosure of these policies to all clients with durable medical equipment in the home. The Home Health Agency shall provide such disclosure to the client at the time of intake.
- 8.520.7.C. Home Health Agencies shall have written policies regarding procedures for communicating with case managers of clients who are also enrolled in HCBS programs. Such policies shall include, at a minimum:
1. How agencies will inform case managers that services are being provided or are being changed; and
 2. Procedures for sending copies of Plans of Care if requested by case managers. These policies shall be developed with input from case managers.

8.520.7.D. Plan of Care Requirements

1. The client's Ordering Physician shall order Home Health Services in writing, as part of a written Plan of Care. The written Plan of Care shall be updated every 60 calendar days but need not be provided to the Department or its Designee unless the client's status has changed significantly, a new PAR is needed, or if requested by the Department or its Designee.
2. The initial assessment or continuation of care assessments shall be completed by a registered nurse, or by a physical therapist, occupational therapist or speech therapist when no skilled nursing needs are required. The assessment shall be utilized to develop the Plan of Care with provider input and oversight. The written Plan of Care and associated documentation shall be used to complete the CMS-485 (or a document that is identical in content) and shall include:
 - a. Identification of the attending physician;
 - b. Physician orders;
 - c. Identification of the specific diagnoses, including the primary diagnosis, for which Medicaid Home Health Services are requested.

- d. The specific circumstances, client medical condition(s) or situation(s) that require services to be provided in the client's residence rather than in a physician's office, clinic or other outpatient setting including the availability of natural supports and the client's living situation;
- e. A complete list of supplements, and medications, both prescription and over the counter, along with the dose, the frequency, and the means by which the medication is taken;
- f. A complete list of the client's allergies;
- g. A list of all non-routine durable medical equipment used by the client;
- h. A list of precautions or safety measures in place for the client, as well as functional limitations or activities permitted by the client's qualified physician;
- i. A behavioral plan when applicable. Physical Behavioral Interventions, such as restraints, shall not be included in the home health Plan of Care;
- j. A notation regarding the client's physician-ordered dietary (nutritional) requirements and restrictions, any special considerations, other restrictions or nutritional supplements;
- k. The Home Health Agency shall indicate a comprehensive list of the amount, frequency, and expected duration of provider visits for each discipline ordered by the client's physician, including:
 - i) The specific duties, treatments and tasks to be performed during each visit;
 - ii) All services and treatments to be provided on the Plan of Care;
 - 1) Treatment plans for physical therapy, occupational therapy and speech therapy may be completed on a form designed specifically for therapy Plans of Care; and
 - iii) Specific situations and circumstances that require a PRN visit, if applicable.
- l. Current clinical summary of the client's health status, including mental status, and a brief statement regarding homebound status of the client;
- m. The client's prognosis, goals, rehabilitation potential and where applicable, the client's specific discharge plan;
 - i) If the client's illness, injury or disability is not expected to improve, or discharge is not anticipated, the agency is not required to document a discharge plan;

- ii) The client's medical record shall include the reason that no discharge plan is present;
 - n. The attending physician shall approve the Plan of Care with a dated signature. If an electronic signature is used, the agency shall document that an electronic signature was used and shall keep a copy of the physician's physical signature on file;
 - o. Brief statement regarding the client's support network including the availability of the client's family member/caregiver and if applicable, information on why the client's family member/caregiver is unable or unwilling to provide the care the client requires; and
 - p. Other relevant information related to the client's need for Home Health care.
3. A new Plan of Care shall be completed every 60 calendar days while the client is receiving Home Health Services. The Plan of Care shall include a statement of review by the physician every 60 days.
 4. Home Health Agencies shall send new Plans of Care and other documentation as requested by the Department or its Designee.

8.520.7.E. Additional Required Client Chart Documentation

1. A signed copy of the Written Notice of Home Care Consumer Rights as required by the Department and at 42 CFR 484.10. Title 42 of the Code of Federal Regulations, Part 484.10 (2013) is hereby incorporated by reference into this rule. Such incorporation, however, excludes later amendments to or editions of the referenced material. These regulations are available for public inspection at the Department of Health Care Policy and Financing, 1570 Grant Street, Denver, CO 80203. The agency shall provide certified copies of the material incorporated at cost upon request or shall provide the requestor with information on how to obtain a certified copy of the material incorporated by reference from the agency of the United States, this state, another state, or the organization or association originally issuing the code, standard, guideline or rule;
2. Evidence of a face-to-face visit with the client's referring provider, or other appropriate provider, as required at 42 CFR 440.70. Title 42 of the Code of Federal Regulations, Part 440.70 (2016) is hereby incorporated by reference into this rule. Such incorporation, however, excludes later amendments to or editions of the referenced material. These regulations are available for public inspection at the Department of Health Care Policy and Financing, 1570 Grant Street, Denver, CO 80203. The agency shall provide certified copies of the material incorporated at cost upon request or shall provide the requestor with information on how to obtain a certified copy of the material incorporated by reference from the agency of the United States, this state, another state, or the organization or association originally issuing the code, standard, guideline or rule;
3. A signed and dated copy of the Agency Disclosure Form as required by the Department, with requirements at 42 CFR 484.12. Title 42 of the Code of Federal Regulations, Part

484.12 (2013) is hereby incorporated by reference into this rule. Such incorporation, however, excludes later amendments to or editions of the referenced material. These regulations are available for public inspection at the Department of Health Care Policy and Financing, 1570 Grant Street, Denver, CO 80203. The agency shall provide certified copies of the material incorporated at cost upon request or shall provide the requestor with information on how to obtain a certified copy of the material incorporated by reference from the agency of the United States, this state, another state, or the organization or association originally issuing the code, standard, guideline or rule;

4. Dates of the most recent hospitalization or nursing facility stay. If the most recent stay was within the last 90 days, reason for the stay (diagnoses), length of stay, summary of treatment, date and place discharged to shall be included in the clinical summary or update;
5. The expected health outcomes, which may include functional outcomes;
6. An emergency plan including the safety measures that will be implemented to protect against injury;
7. A specific order from the client's qualified physician for all PRN visits utilized;
8. Clear documentation of skilled and non-skilled services to be provided to the client with documentation that the client or client's family member/caregiver agrees with the Plan of Care;
9. Accurate and clear clinical notes or visit summaries from each discipline for each visit that include the client's response to treatments and services completed during the visit. Summaries shall be signed and dated by the person who provided the service. If an electronic signature is used, the agency shall document that an electronic signature was used and keep a copy of the physical signature on file;
10. Documented evidence of Care Coordination with the client's other providers;
11. When the client is receiving additional services (skilled or unskilled) evidence of Care Coordination between the other services shall be documented and include an explanation of how the requested Home Health Services do not overlap with these additional services;
12. A plan for how the agency will cover client services (via family member/caregiver or other agency staff) if inclement weather or other unforeseen incident prevents agency staff from delivering the Home Health care ordered by the qualified physician; and
13. If foot or wound care is ordered for the client, the Home Health Agency shall ensure the signs and symptoms of the disease process/medical condition that requires foot or wound care by a nurse are clearly and specifically documented in the clinical record. The Home Health Agency shall ensure the clinical record includes an assessment of the foot or feet,

or wound, and physical and clinical findings consistent with the diagnosis, and the need for foot or wound care to be provided by a nurse.

8.520.8 Prior Authorization

8.520.8.A. General Requirements

1. Approval of the PAR does not guarantee payment by Medicaid.
2. The client and the HHA shall meet all applicable eligibility requirements at the time services are rendered and services shall be delivered in accordance with all applicable service limitations.
3. Medicaid is always the payer of last resort and the presence of an approved or partially approved PAR does not release the agency from the requirement to only bill for Medicaid approved services to Medicare or other third party insurance prior to billing Medicaid.
 - a. Exceptions to this include Early Intervention Services documented on a child's Individualized Family Service Plan (IFSP) and the following services that are not a skilled Medicare benefit (CNA services only, OT services only, Med-box pre-pouring and routine lab draws).

8.520.8.B. Acute Home Health

1. Acute Home Health Services do not require prior authorization. This includes episodes of acute home health for long-term home health clients.
2. If a client receiving long-term Home Health Services experiences an acute care event that necessitates moving the client to an acute home health episode, the agency shall notify the Department or its Designee that the client is moving from long-term home health to acute Home Health Services.
3. If the client's acute home health needs resolve prior to 60 calendar days, the Home Health Agency shall discharge the client, or submit a PAR for long-term Home Health Services if the client is eligible.
 - a. If an acute home health client experiences a change in status (e.g. an inpatient admission), that totals 9 calendar days or less, the Home Health Agency shall resume the client's care under the current acute home health Plan of Care.
 - b. If an acute home health client experiences a change in status (e.g. an inpatient admission), that totals 10 calendar days or more, the Home Health Agency may start a new Acute Home Health episode when the client returns to the Home Health Agency.

- c. The Home Health Agency shall inform the SEP case manager or the Medicaid fiscal agent within 10 working days of the beginning and within 10 working days of the end of the acute care episode.

8.520.8.C. Long-Term Home Health

1. Long-term Home Health Services require prior authorization under Section 8.017.E.
2. When an agency accepts an HCBS waiver client to long-term Home Health Services, the Home Health Agency shall contact the client's case management agency to inform the case manager of the client's need for Home Health Services.
3. The complete formal written PAR shall include:
 - a. A completed Department-prescribed Prior Authorization Request Form, see Section 8.058;
 - b. A home health Plan of Care, which includes all clinical assessments and current clinical summaries or updates of the client. The Plan of Care shall be on the CMS-485 form, or a form that is identical in content to the CMS-485, and all sections of the form shall be completed. For clients 20 years of age or younger, all therapy services requested shall be included in the Plan of Care or addendum, which lists the specific procedures and modalities to be used and the amount, duration, frequency and goals. If extended aide units, as described in 8.520.9.B. are requested, there shall be sufficient information about services on each visit to justify the extended units. Documentation to support any PRN visits shall also be provided. If there are no nursing needs, the Plan of Care and assessments may be completed by a therapist if the client is 20 years of age or younger and is receiving home health therapy services;
 - c. Written documentation of the results of the EPSDT medical screening, or other equivalent examination results provided by the client's third-party insurance;
 - d. Any other medical information which will document the medical necessity for the Home Health Services;
 - e. If applicable, written instructions from the therapist or other medical professional to support a current need when range of motion or other therapeutic exercise is the only skilled service performed on a CNA visit;
 - f. When the PAR includes a request for nursing visits solely for the purpose of pre-pouring medications, evidence that the client's pharmacy was contacted, and advised the Home Health Agency that the pharmacy will not provide medication set-ups, shall be documented; and
 - g. When a PAR includes a request for reimbursement for two aides at the same time to perform two-person transfers, documentation supporting the current need for two-person transfers, and the reason adaptive equipment cannot be used instead, shall be provided.

- ### 8.520.8.D. EPSDT Services

1. Home Health Services beyond those allowed in Section 8.520.5, for clients ages 0 through 20, shall be reviewed for medical necessity under the EPSDT requirement, as defined at Section 8.280.1.
2. Home Health Services beyond those in Section 8.520.5, which are provided under the Home Health benefit due to medical necessity, cannot include services that are available under other Colorado Medicaid benefits for which the client is eligible, including, but not limited to, Private Duty Nursing, Section 8.540; HCBS Personal Care, Section 8.489; Pediatric Personal Care, Section 8.535; School Health and Related Services, Section 8.290, or Outpatient Therapies, Section 8.200.3.A.6, Section 8.200.5 and Section 8.200.3.D Exceptions may be made if EPSDT Home Health Services will be more cost-effective, provided that client safety is assured. Such exceptions shall, in no way, be construed as mandating the delegation of nursing tasks.
3. PARs for EPSDT home health shall be submitted and reviewed as outlined in Section 8.520.8, including all documentation outlined in Section 8.520.8, and any other medical information which will document the medical necessity for the EPSDT Home Health Services. The Plan of Care shall include the place of service for each home health visit.

8.520.8.E. Home Health Telehealth Services

1. Home Health Telehealth services require prior authorization.
2. The Home Health Telehealth PAR shall include all of the following:
 - a. A completed enrollment form;
 - b. An order for telehealth monitoring signed and dated by the Ordering Physician or podiatrist;
 - c. A Plan of Care, which includes nursing and therapy assessments for clients. Telehealth monitoring shall be included on the CMS-485 form, or a form that contains identical information to the CMS-485, and all applicable forms shall be complete; and
 - d. For ongoing telehealth, the agency shall include documentation on how telehealth data has been used to manage the client's care, if the client has been using Home Health Telehealth services.

8.520.9 Reimbursement

8.520.9.A. Rates of Reimbursement: Payment for Home Health Services is the lower of the billed charges or the maximum unit rate of reimbursement.

1. The maximum reimbursement for any twenty-four hour period, as measured from midnight to midnight, shall not exceed the daily maximum as designated by the Department and in alignment with the Legislative Budget.

2. The maximum daily reimbursement includes reimbursement for nursing visits, home health CNA visits, physical therapy visits, occupational therapy visits, speech/language pathology visits, and any combinations thereof."

8.520.9.B. Special Reimbursement Conditions

1. Total reimbursement by the Department combined with third party liability and Medicare crossover claims shall not exceed Medicaid rates.
2. When Home Health Agencies provide Home Health Services in accordance with these regulations to clients who receive Home and Community Based Services for the Developmentally Disabled (HCBS-DD), the Home Health Agency is reimbursed:
 - a. Under normal procedures for home health reimbursement if the client resides in an Intermediate Care Facility for the Intellectually Disabled (ICF/ID), or in IRSS host homes and settings; or
 - b. By the group home provider, if the client resides in a GRSS, because the provider has already received Medicaid funding for the Home Health Services and is responsible for payment to the Home Health Agency.
3. Acute Home Health Services for Medicaid HMO clients are the responsibility of the Medicaid HMO, including clients who are also HCBS recipients.
4. Services for a dual eligible client shall be submitted first to Medicare for reimbursement. All Medicare requirements shall be met and administrative processes exhausted prior to any dual eligible client's claims being billed to Medicaid, as demonstrated by a Medicare denial of benefits, except for the specific services listed in Section 8.520.0.E.4.a below for clients which meet the criteria listed in Section 8.520.9.E.4.b below.
 - a. A Home Health Agency may bill only Medicaid without first billing Medicare if both of the following are true:
 - i) The services below are the only services on the claim:
 - 1) Pre-pouring of medications;
 - 2) CNA services;
 - 3) Occupational therapy services when provided as the sole skilled service; or
 - 4) Routine laboratory draw services.
 - ii) The following conditions apply:
 - 1) The client is stable;

- 2) The client is not experiencing an acute episode; and
 - 3) The client routinely leaves the home without taxing effort and unassisted for social, recreational, educational, or employment purposes.
- b. The Home Health Agency shall maintain clear documentation in the client's record of the conditions and services that are billed to Medicaid without first billing Medicare.
- c. A Home Health Change of Care Notice or Advance Beneficiary Notice of Non-Coverage shall be filled out as prescribed by Medicare.
5. Services for a dually eligible long-term home health client who has an acute episode shall be submitted first to Medicare for reimbursement. Medicaid may be billed if payment is denied by Medicare as a non-covered benefit and the service is a Medicaid benefit, or when the service meets the criteria listed in Section 8.520.9.E.4 above.
6. If both Medicare and Medicaid reimburse for the same visit or service provided to a client in the same episode, the reimbursement is considered a duplication of payment and the Medicaid reimbursement shall be returned to the Department.
 - a. Home Health Agencies shall return any payment made by Medicaid for such visit or service to the Department within sixty (60) calendar days of receipt of the duplicate payment.

8.520.9.C. Reimbursement for Supplies

1. A Home Health Agency shall not ask a client to provide any supplies. A request for supplies from a client may constitute a violation of Section 8.012, PROVIDERS PROHIBITED FROM COLLECTING PAYMENT FROM RECIPIENTS.
2. Supplies other than those required for practice of universal precautions which are used by the Home Health Agency staff to provide Home Health Services are not the financial responsibility of the Home Health Agency. Such supplies may be requested by the physician as a benefit to the client under Section 8.590, DURABLE MEDICAL EQUIPMENT AND DISPOSABLE MEDICAL SUPPLIES.
3. Supplies used for the practice of universal precautions by the client's family or other informal caregivers are not the financial responsibility of the Home Health Agency. Such supplies may be requested by the physician as a benefit to the client under Section 8.590, DURABLE MEDICAL EQUIPMENT AND DISPOSABLE MEDICAL SUPPLIES.

8.520.9.D. Restrictions

1. When the client has Medicare or other third-party insurance, Home Health claims to Medicaid will be reimbursed only if the client's care does not meet the Home Health coverage guidelines for Medicare or other insurance.

2. When an agency provides more than one employee to render a service, in which one employee is supervising or instructing another in that service, the Home Health Agency shall only bill and be reimbursed for one employee's visit or units.
3. Any visit made by a nurse or therapist to simultaneously serve two or more clients residing in the same household shall be billed by the Home Health Agency as one visit only, unless services to each client are separate and distinct. If two or more clients residing in the same household receive Medicaid CNA services, the services for each client shall be documented and billed separately for each client.
4. No more than one Home Health Agency may be reimbursed for providing Home Health Services during a specific plan period to the same client, unless the second agency is providing a Home Health Service that is not available from the first agency. The first agency shall take responsibility for the coordination of all Home Health Services. Home and Community Based Services, including personal care, are not Home Health Services.
5. Improper Billing Practices: Examples of improper billing include, but are not limited to:
 - a. Billing for visits without documentation to support the claims billed. Documentation for each visit billed shall include the nature and extent of services, the care provider's signature, the month, day, year, and the exact time in and time out of the client's home. Providers shall submit or produce requested documentation in accordance with rules at Section 8.076.2;
 - b. Billing for unnecessary visits, or visits that are unreasonable in number, frequency or duration;
 - c. Billing for CNA visits in which no skilled tasks were performed and documented;
 - d. Billing for skilled tasks that were not medically necessary;
 - e. Billing for Home Health Services provided at locations other than an eligible place of service, except EPSDT services provided with prior authorization; and
 - f. Billing of personal care or homemaker services as Home Health Services.
6. A Home Health Agency that are also certified as a personal care/homemaker provider shall ensure that neither duplicate billing nor unbundling of services occurs in billing for Home Health Services and HCBS personal care services. Examples of duplicate billing and unbundling of services include:
 - a. One employee makes one visit, and the agency bills Medicaid for a CNA visit, and also bills all of the hours as HCBS personal care or homemaker.
 - b. One employee makes one visit, and the agency bills for one CNA visit, and bills some of the hours as HCBS personal care or homemaker, when the total time spent on the visit does not equal at least 1 hour plus the number of hours billed for HCBS personal care and homemaker.

- c. Any other practices that circumvent these rules and result in excess Medicaid payment through unbundling of CNA and personal care or homemaker services.
7. The Department may take action against the offending Home Health Agency, including termination from participation in Colorado Medicaid in accordance with 10 C.C.R. 2505-10, Section 8.076.

8.520.10 Compliance Monitoring Reviews

8.520.10.A. General Requirements

1. Compliance monitoring of Home Health Services may be conducted by state and federal agencies, their contractors and law enforcement agencies in accordance with 10 C.C.R. 2505-10, Section 8.076.
2. Home Health Agencies shall submit or produce all requested documentation in accordance with 10 C.C.R. 2505-10, Section 8.076.
3. Physician-signed Plans of Care shall include nursing or therapy assessments, current clinical summaries and updates for the client. The Plan of Care shall be on the CMS-485 form, or a form that is identical in content to the CMS-485. All sections of the form shall be completed. All therapy services provided shall be included in the Plan of Care, which shall list the specific procedures and modalities to be used and the amount, duration and frequency.
4. Provider records shall document the nature and extent of the care actually provided.
5. Unannounced site visits may be conducted in accordance with C.R.S. Section 25.5-4-301(14)(b).
6. Home Health Services which are duplicative of any other services that the client has received funded by another source or that the client received funds to purchase shall not be reimbursed.
7. Services which total more than twenty-four hours per day of care, regardless of funding source shall not be reimbursed.
8. Billing for visits or contiguous units which are longer than the length of time required to perform all the tasks prescribed on the care plan shall not be reimbursed.
9. Home Health Agencies shall not bill clients or families of client for any services for which Medicaid reimbursement is recovered due to administrative, civil or criminal actions by the state or federal government.

8.520.11 Denial, Termination, or Reduction in Services

8.520.11.A. When services are denied, terminated, or reduced by action of the Home Health Agency, the Home Health Agency shall notify the client.

8.520.11.B. Termination of services to clients still medically eligible for Coverage of Medicaid Home Health Services:

1. When a Home Health Agency decides to terminate services to a client who needs and wants continued Home Health Services, and who remains eligible for coverage of services under the Medicaid Home Health rules, the Home Health Agency shall give the client, or the client's designated representative/legal guardian, written advance notice of at least 30 business days. The attending physician and the Department's Home Health Policy Specialist shall also be notified.
2. Written notice to the client, or client's designated representative/legal guardian shall be provided in person or by certified mail, and shall be considered given when it is documented that the recipient has received the notice. The notice shall provide the reason for the change in services
3. The agency shall make a good faith effort to assist the client in securing the services of another agency.
4. If there is indication that ongoing services from another source cannot be arranged by the end of the advance notice period, the terminating agency shall ensure client safety by making referrals to appropriate case management agencies or County Departments of Social Services; and the attending physician shall be informed.
5. Exceptions will be made to the requirement for 30 days advance notice when the provider has documented that there is immediate danger to the client, Home Health Agency, staff, or when the client has begun to receive Home Health Services through a Medicaid HMO.

DO NOT PUBLISH

Title of Rule: Revision to the Federally Qualified Health Center Rule, Section 8.700
Rule Number: MSB 17-03-23-B
Division / Contact / Phone: Payment Reform / Erin Johnson / 303-866-4370

SECRETARY OF STATE

RULES ACTION SUMMARY AND FILING INSTRUCTIONS

SUMMARY OF ACTION ON RULE(S)

1. Department / Agency Health Care Policy and Financing / Medical Services
Name: Board
2. Title of Rule: MSB 17-03-23-B, Revision to the Federally Qualified
Health Center Rule, Section 8.700
3. This action is an adoption an amendment
of:
4. Rule sections affected in this action (if existing rule, also give Code of Regulations
number and page numbers affected):
Sections(s) 8.700, Colorado Department of Health Care Policy and Financing, Staff
Manual Volume 8, Medical Assistance (10 CCR 2505-10).
5. Does this action involve any temporary or emergency rule(s)? Yes
If yes, state effective date: 7/1/2017
Is rule to be made permanent? (If yes, please attach notice of Yes
hearing).

PUBLICATION INSTRUCTIONS*

Replace the current text at 8.700 with the proposed text starting at 8.700.1 through the
end of 8.700.8.D. This rule is effective August 30, 2017.

DO NOT PUBLISH

Title of Rule: Revision to the Federally Qualified Health Center Rule, Section 8.700

Rule Number: MSB 17-03-23-B

Division / Contact / Phone: Payment Reform / Erin Johnson / 303-866-4370

STATEMENT OF BASIS AND PURPOSE

1. Summary of the basis and purpose for the rule or rule change. (State what the rule says or does and explain why the rule or rule change is necessary).

The purpose of this Rule is to clarify the Department's payment methodology for services outside of the Federally Qualified Health Center (FQHC) encounter rate. Currently, the rules state that FQHCs are reimbursed a 100% cost-based encounter rate for a one-on-one, face-to-face visit between a client and an eligible provider. This Rule revision is necessary to allow for payments to FQHCs separate from the encounter rate for Long Acting Reversible Contraceptives (LARCs), dentures and partial dentures, services provided at an inpatient hospital setting by the FQHC, dental services provided at an outpatient hospital setting by the FQHC, the Nurse Home Visitor Program, and the Prenatal+ Program. Services provided by a FQHC at an inpatient hospital setting are not FQHC services and therefore should not be reimbursed at the encounter rate. The provision of LARCs, dentures, and partial dentures is costly for FQHCs and therefore an additional payment separate from the encounter rate is necessary to incentivize access and the provision of LARCs. The Prenatal+ Program and Nurse Home Visitor Program currently have payment methodologies that are separate from the encounter rate and are clarified elsewhere in the Rules.

2. An emergency rule-making is imperatively necessary

- ☐ to comply with state or federal law or federal regulation and/or
☐ for the preservation of public health, safety and welfare.

Explain:

This rule revision fulfills the necessary requirements to be an Emergency Rule. The purpose of this rule revision is to clarify the Department's payment methodology for Federally Qualified Health Centers (FQHCs), specifically regarding payments separate from the encounter. Currently, our State Plan and rules for FQHCs state that the Department pays the encounter rate for one-on-one, face-to-face visits between a client and eligible provider. However, it is common practice for FQHCs to bill the Department at the Fee Schedule rate for other types of services – such as inpatient hospital services, the cost of LARC devices, dentures, partial dentures, dental services provided at an outpatient hospital location by the FQHC, the Prenatal+ Program, and the Nurse Home Visitor Program. These services should not be reimbursed at the encounter rate and instead should be reimbursed the Fee Schedule rate. However, since our current rules and State Plan do not reference this type of payment

Initial Review

Final Adoption

07/14/17

Proposed Effective Date

08/30/17 Emergency Adoption

DOCUMENT #04

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there is a large amount of confusion and concern among Department staff and FQHC staff about how to reimburse FQHCs. The Department must revise its rules to reflect payment for these services outside of the encounter rate. If we stop paying for these services outside of the encounter rate they will no longer be provided.

3. Federal authority for the Rule, if any:

Section 1902(bb) of the Social Security Act states that State Medicaid Agencies may create an alternative payment methodology for FQHCs as long as the FQHC receives at least their Prospective Payment System (PPS) rate.

4. State Authority for the Rule:

25.5-1-301 through 25.5-1-303, C.R.S. (2015);
Section 25.5-4-401 (1)(a), C.R.S.

Initial Review

Final Adoption

07/14/17

Proposed Effective Date

08/30/17 Emergency Adoption

DOCUMENT #04

DO NOT PUBLISH

Title of Rule: Revision to the Federally Qualified Health Center Rule, Section 8.700

Rule Number: MSB 17-03-23-B

Division / Contact / Phone: Payment Reform / Erin Johnson / 303-866-4370

REGULATORY ANALYSIS

1. Describe the classes of persons who will be affected by the proposed rule, including classes that will bear the costs of the proposed rule and classes that will benefit from the proposed rule.

This rule will affect the 420,513 Medicaid members that receive medical services at Federally Qualified Health Centers.

2. To the extent practicable, describe the probable quantitative and qualitative impact of the proposed rule, economic or otherwise, upon affected classes of persons.

Total expenditures for services received at FQHCs during the last fiscal year was \$173,425,927.05 or approximately \$412.41 per member. This rule change could cause reimbursement to increase for some services delivered at certain FQHCs and to decrease for other services delivered at FQHCs. Many FQHCs are already billing in this manner, and it would have zero budget impact on those FQHCs.

3. Discuss the probable costs to the Department and to any other agency of the implementation and enforcement of the proposed rule and any anticipated effect on state revenues.

It is anticipated that the proposed rule will be budget neutral to the Department. This is a change in policy that primarily codifies already existing practices. For those FQHCs that are not billing in line with the proposed rule, there could be a decrease in payment for services that will be determined unallowable under the proposed rule. There could also be an increase in payment for certain services as it clarifies when encounters and fee-for-service claims can be billed in conjunction with each other. The Department assumes that these two impacts will offset each other, resulting in a net budget neutral change.

4. Compare the probable costs and benefits of the proposed rule to the probable costs and benefits of inaction.

Since many FQHCs are already billing the Department for these services, and other services, outside of the encounter rate, the costs should be minimal. This rule will eliminate improper billing of services and will give the Department the authority to pay for certain services as fee-for-service claims. Inaction could lead to a disallowance from CMS since these payments were not authorized before they began.

DO NOT PUBLISH

5. Determine whether there are less costly methods or less intrusive methods for achieving the purpose of the proposed rule.

It could potentially be less costly to disallow all payments outside of the encounter rate. However, this would lead to less access to important services such as LARCs, dentures, and partial dentures, or result in an increase in utilization of the services from other provider types.

6. Describe any alternative methods for achieving the purpose for the proposed rule that were seriously considered by the Department and the reasons why they were rejected in favor of the proposed rule.

The Department seriously considered disallowing all payments for services outside the encounter rate. However, this idea was rejected as it would be too restrictive to FQHCs and decrease access to imperative health services.

8.700 FEDERALLY QUALIFIED HEALTH CENTERS

8.700.1 DEFINITIONS

Federally Qualified Health Center (FQHC) means a hospital-based or freestanding center that meets the FQHC definition found in Title 42 of the Code of Federal Regulations, Part 405, Subpart X (2015). Title 42 of the Code of Federal Regulations, Part 405, Subpart X (2015) is hereby incorporated by reference into this rule. Such incorporation, however, excludes later amendments to or editions of the referenced material. These regulations are available for public inspection at the Department of Health Care Policy and Financing, 1570 Grant Street, Denver, CO 80203. Pursuant to C.R.S. 24-4-103(12.5)(V)(b), the agency shall provide certified copies of the material incorporated at cost upon request or shall provide the requestor with information on how to obtain a certified copy of the material incorporated by reference from the agency of the United States, this state, another state, or the organization or association originally issuing the code, standard, guideline or rule:

Visit means a one-on-one, face-to-face encounter between a center client and physician, dentist, dental hygienist, physician assistant, nurse practitioner, nurse-midwife, visiting nurse, clinical psychologist, podiatrist or clinical social worker providing the services set forth in 8.700.3.A. Group sessions do not generate a billable encounter for any FQHC services.

8.700.2 CLIENT CARE POLICIES

8.700.2.A The FQHCs health care services shall be furnished in accordance with written policies that are developed with the advice of a group of professional personnel that includes one or more physicians and one or more physician assistants or nurse practitioners. At least one member of the group shall not be a member of the FQHC staff.

8.700.2.B The policies shall include:

1. A description of the services the FQHC furnishes directly and those furnished through agreement or arrangement. See section 8.700.3.A.3.
2. Guidelines for the medical management of health problems that include the conditions requiring medical consultation and/or client referral, the maintenance of health care records and procedures for the periodic review and evaluation of the services furnished by the FQHC.
3. Rules for the storage, handling and administration of drugs and biologicals.

8.700.3 SERVICES

8.700.3.A The following services may be provided by a certified FQHC:

1. General services
 - a. Outpatient primary care services that are furnished by a physician, dentist, dental hygienist, physician assistant, nurse practitioner, nurse midwife visiting nurse, clinical psychologist, podiatrist or clinical social worker as defined in their respective practice acts.
 - b. Part-time or intermittent visiting nurse care.
 - c. Services and medical supplies, other than pharmaceuticals, that are furnished as a result of professional services provided under 8.700.3.A.1.a and b.

2. Emergency services. FQHCs furnish medical emergency procedures as a first response to common life-threatening injuries and acute illness and must have available the drugs and biologicals commonly used in life saving procedures.
3. Services provided through agreements or arrangements. The FQHC has agreements or arrangements with one or more providers or suppliers participating under Medicare or Medicaid to furnish other services to clients, including physician services (whether furnished in the hospital, the office, the client's home, a skilled nursing facility, or elsewhere) and additional and specialized diagnostic and laboratory services that are not available at the FQHC.

8.700.3.B A certified FQHC may also provide any service authorized for payment outside the per visit encounter rate by 8.700.6.B.

8.700.4 PHYSICIAN RESPONSIBILITIES

8.700.4.A A physician shall provide medical supervision and guidance for physician assistants and nurse practitioners, prepare medical orders, and periodically review the services furnished by the clinic. A physician shall be present at the clinic for sufficient periods of time to fulfill these responsibilities and must be available at all times by direct means of communications for advice and assistance on patient referrals and medical emergencies. A clinic operated by a nurse practitioner or physician assistant may satisfy these requirements through agreements with one or more physicians.

8.700.5 ALLOWABLE COST

8.700.5.A The following types and items of cost for primary care services are included in allowable costs to the extent that they are covered and reasonable:

1. Compensation for the services of a physician, dentist, dental hygienist, physician assistant, nurse practitioner, nurse-midwife, visiting nurse, qualified clinical psychologist, podiatrist and clinical social worker who owns, is employed by, or furnishes services under contract to an FQHC.
2. Compensation for the duties that a supervising physician is required to perform.
3. Costs of services and supplies related to the services of a physician, dentist, dental hygienist, physician assistant, nurse practitioner, nurse-midwife, visiting nurse, qualified clinical psychologist, podiatrist or clinical social worker.
4. Overhead cost, including clinic or center administration, costs applicable to use and maintenance of the entity, and depreciation costs.
5. Costs of services purchased by the clinic or center.

8.700.5.B Unallowable costs include but are not limited to expenses that are incurred by an FQHC and that are not for the provision of covered services, according to applicable laws, rules, and standards applicable to the Medical Assistance Program in Colorado. An FQHC may expend funds on unallowable cost items, but these costs may not be used in calculating the per visit encounter rate for Medicaid clients.

Unallowable costs, include, but are not necessarily limited to, the following:

1. Offsite Laboratory/X-Ray;

2. Costs associated with services paid by a contracted Behavioral Health Organization (BHO) are costs for provision of covered services but not allowed in the FQHC costs;
3. Costs associated with clinics or cost centers which do not provide services to Medicaid clients; and,
4. Costs of services reimbursed separately from the FQHC encounter rate as described in Section 8.700.6.B.

8.700.6 REIMBURSEMENT

8.700.6.A FQHCs shall be reimbursed a per visit encounter rate based on 100% of reasonable cost. An FQHC may be reimbursed for up to three separate encounters with the same client occurring in one day and at the same location, so long as the encounters submitted for reimbursement are any combination of the following: medical encounter, dental encounter, or mental health encounter. Duplicate encounters of the same service category occurring on the same day and at the same location are prohibited unless it is a distinct mental health encounter, which is allowable only when rendered services are covered and paid by a contracted BHO.

8.700.6.B The following services are reimbursed separately from the FQHC encounter rate. These services shall be reimbursed in accordance with the following:

1. Long-Acting Reversible Contraception (LARC) devices shall be reimbursed separately from the FQHC encounter rate. In addition to payment of the encounter rate for the insertion of the device(s), the LARC device(s) must be billed in accordance with Section 8.730 and shall be reimbursed the lower of:
 - a. Submitted charges; or
 - b. Fee schedule as determined by the Department.
2. Services provided in an inpatient hospital setting shall be reimbursed the lower of:
 - a. Submitted charges; or
 - b. Fee schedule as determined by the Department.
3. The provision of complete dentures and partial dentures must be billed in accordance with Section 8.201. and Section 8.202. and shall be reimbursed the lower of:
 - a. Submitted charges; or
 - b. Fee schedule as determined by the Department. The fee schedule payment includes denture alignments, adjustments, and repairs within the first 6 months after placement of the denture. If the fee schedule amount is less than what would have been reimbursed under the per visit PPS rate, the Department will ensure that full payment has been received by the FQHCs.
4. Dental services provided in an outpatient hospital setting shall be reimbursed the lower of:
 - a. Submitted charges; or
 - b. Fee schedule as determined by the Department.

5. The Prenatal Plus Program shall be billed and reimbursed in accordance with Section 8.748.

6. The Nurse Home Visitor Program shall be billed and reimbursed in accordance with Section 8.749.

7. A FQHC that operates its own pharmacy that serves Medicaid clients must obtain a separate Medicaid billing number for pharmacy and bill all prescriptions utilizing this number in accordance with Section 8.800.

8.700.6.C A medical encounter, a dental encounter, and a mental health encounter on the same day and at the same location shall count as three separate visits.

1. Encounters with more than one health professional, and multiple encounters with the same health professional that take place on the same day and at a single location constitute a single visit, except when the client, after the first encounter, suffers illness or injury requiring additional diagnosis or treatment.
2. Distinct mental health encounters are allowable only when rendered services are covered and paid by a contracted BHO.

8.700.6.D Encounter rate calculation

- a) Effective July 1, 2014, the encounter rate shall be the higher of the Prospective Payment System (PPS) rate or the alternative payment rate.

1. The PPS rate is defined by Section 702 of the Medicare, Medicaid and SCHIP Benefits Improvement and Protection Act (BIPA) included in the Consolidated Appropriations Act of 2000, Public Law 106-554, Dec. 21, 2000. BIPA is incorporated herein by reference. No amendments or later editions are incorporated.

Copies are available for a reasonable charge and for inspection from the following person at the following address: Custodian of Records, Colorado Department of Health Care Policy and Financing, 1570 Grant Street, Denver, CO 80203. Any material that has been incorporated by reference in this rule may be examined at any state publications depository library.

2. a) The alternative payment rate shall be the lower of the annual rate or the base rate. The annual rate and the base rate shall be calculated as follows:
 1. Annual rates shall be the FQHCs current year's calculated inflated rate, after audit.
 2. The new base rate shall be the calculated, inflated weighted average encounter rate, after audit, for the past three years. Beginning July 1, 2004 the base encounter rate shall be inflated annually using the Medicare Economic Index to coincide with the federal reimbursement methodology for FQHCs. Base rates shall be recalculated (rebased) every three years.
3. a) New FQHCs shall file a preliminary FQHC Cost Report with the Department. Data from the preliminary report shall be used to set a reimbursement base rate for the first year. The base rate shall be calculated using the audited cost report

showing actual data from the first fiscal year of operations as a FQHC. This shall be the FQHCs base rate until the next rebasing period.

- b) New base rates may be calculated using the most recent audited Medicaid FQHC cost report for those FQHCs that have received their first federal Public Health Service grant with the three years prior to rebasing, rather than using the inflated weighted average of the most recent three years audited encounter rates.
- 4.
- a) The Department shall audit the FQHC cost report and calculate the new annual and base reimbursement rates. If the cost report does not contain adequate supporting documentation, the FQHC shall provide requested documentation within ten (10) business days of request. Unsupported costs shall be unallowable for the calculation of the FQHCs new encounter rate.
 - b) Freestanding FQHCs shall file the Medicaid cost reports with the Department on or before the 90th day after the end of the FQHCs' fiscal year. Freestanding FQHCs shall use the Medicaid FQHC Cost Report developed by the Department to report annual costs and encounters. Failure to submit a cost report within 180 days after the end of a freestanding FQHCs' fiscal year shall result in suspension of payments.
 - c) The new reimbursement rate for freestanding FQHCs shall be effective 120 days after the FQHCs fiscal year end. The old reimbursement rate (if less than the new audited rate) shall remain in effect for an additional day above the 120 day limit for each day the required information is late; if the old reimbursement rate is more than the new rate, the new rate shall be effective the 120th day after the freestanding FQHCs fiscal year end.
 - d) The new reimbursement rate for hospital-based FQHCs shall be effective January 1 of each year.
 - e) If a hospital-based FQHC fails to provide the requested documentation, the costs associated with those activities shall be presumed to be non-primary care services and shall be settled using the Outpatient Hospital reimbursement rate.
 - f) All hospital-based FQHCs shall submit separate cost centers and settlement worksheets for primary care services and non-primary care services on the Medicare Cost Report for their facilities. Non-primary care services shall be reimbursed according to Section 8.300.6.
- 5.
- a) If a FQHC changes its scope of service after the year in which its base PPS rate was determined, the Department will adjust the FQHC's PPS rate in accordance with section 1902(bb) of the Social Security Act.
 - b) A FQHC must apply to the Department for an adjustment to its PPS rate whenever there is a documented change in the scope of service of the FQHC. The documented change in the scope of service of the FQHC must meet all of the following conditions:
 - 1. The increase or decrease in cost is attributable to an increase or decrease in the scope of service that is a covered benefit, as

described in Section 1905(a)(2)(C) of the Social Security Act, and is furnished by the FQHC.

2. The cost is allowable under Medicare reasonable cost principles set forth in 42 CFR Part 413.5.
3. The change in scope of service is a change in the type, intensity, duration, or amount of services, or any combination thereof.
4. The net change in the FQHC's per-visit encounter rate equals or exceeds 3% for the affected FQHC site. For FQHCs that file consolidated cost reports for multiple sites in order to establish the initial PPS rate, the 3% threshold will be applied to the average per-visit encounter rate of all sites for the purposes of calculating the cost associated with a scope-of-service change.
5. The change in scope of service must have existed for at least a full six (6) months.

c) A change in the cost of a service is not considered in and of itself a change in scope of service. The change in cost must meet the conditions set forth in Section 8.700.6.C.5.b and the change in scope of service must include at least one of the following to prompt a scope-of-service rate adjustment. If the change in scope of service does not include at least one of the following, the change in the cost of services will not prompt a scope-of-service rate adjustment.

1. The addition of a new service not incorporated in the baseline PPS rate, or deletion of a service incorporated in the baseline PPS rate;
2. The addition or deletion of a covered Medicaid service under the State Plan;
3. Changes necessary to maintain compliance with amended state or federal regulations or regulatory requirements;
4. Changes in service due to a change in applicable technology and/or medical practices utilized by the FQHC;
5. Changes resulting from the changes in types of patients served, including, but not limited to, populations with HIV/AIDS, populations with other chronic diseases, or homeless, elderly, migrant, or other special populations that require more intensive and frequent care;
6. Changes resulting from a change in the provider mix, including, but not limited to:
 - i. A transition from mid-level providers (e.g. nurse practitioners) to physicians with a corresponding change in the services provided by the FQHC;
 - ii. The addition or removal of specialty providers (e.g. pediatric, geriatric, or obstetric specialists) with a

corresponding change in the services provided by the FQHC (e.g. delivery services);

- iii. Indirect medical education adjustments and a direct graduate medical education payment that reflects the costs of providing teaching services to interns and/or residents; or,
- iv. Changes in operating costs attributable to capital expenditures (including new, expanded, or renovated service facilities), regulatory compliance measures, or changes in technology or medical practices at the FQHC, provided that those expenditures result in a change in the services provided by the FQHC.

d) The following items do not prompt a scope-of-service rate adjustment:

- 1. An increase or decrease in the cost of supplies or existing services;
- 2. An increase or decrease in the number of encounters;
- 3. Changes in office hours or location not directly related to a change in scope of service;
- 4. Changes in equipment or supplies not directly related to a change in scope of service;
- 5. Expansion or remodel not directly related to a change in scope of service;
- 6. The addition of a new site, or removal of an existing site, that offers the same Medicaid-covered services;
- 7. The addition or removal of administrative staff;
- 8. The addition or removal of staff members to or from an existing service;
- 9. Changes in salaries and benefits not directly related to a change in scope of service;
- 10. Change in patient type and volume without changes in type, duration, or intensity of services;
- 11. Capital expenditures for losses covered by insurance; or,
- 12. A change in ownership.

e) A FQHC must apply to the Department by written notice within ninety (90) days of the end of the FQHC's fiscal year in which the change in scope of service occurred, in conjunction with the submission of the FQHC's annual cost report. Only one scope-of-service rate adjustment will be calculated per year. However, more than one type of change in scope of service may be included in a single application.

- f) Should the scope-of-service rate application for one year fail to reach the threshold described in Section 8.700.6.C.5.b.4, the FQHC may combine that year's change in scope of service with a valid change in scope of service from the next year or the year after. For example, if a valid change in scope of service that occurred in FY 2016 fails to reach the threshold needed for a rate adjustment, and the FQHC implements another valid change in scope of service during FY2018, the FQHC may submit a scope-of-service rate adjustment application that captures both of those changes. A FQHC may only combine changes in scope of service that occur within a three-year time frame, and must submit an application for a scope-of-service rate adjustment as soon as possible after each change has been implemented. Once a change in scope of service has resulted in a successful scope-of-service rate adjustment, either individually or in combination with another change in scope of service, that change may no longer be used in an application for another scope-of-service rate adjustment.
- g) The documentation for the scope-of-service rate adjustment is the responsibility of the FQHC. Any FQHC requesting a scope-of-service rate adjustment must submit the following to the Department:
1. The Department's application form for a scope-of-service rate adjustment, which includes:
 - i. The provider number(s) that is/are affected by the change(s) in scope of service;
 - ii. A date on which the change(s) in scope of service was/were implemented;
 - iii. A brief narrative description of each change in scope of service, including how services were provided both before and after the change;
 - iv. Detailed documentation such as cost reports that substantiate the change in total costs, total health care costs, and total visits associated with the change(s) in scope; and
 - v. An attestation statement that certifies the accuracy, truth, and completeness of the information in the application signed by an officer or administrator of the FQHC;
 2. Any additional documentation requested by the Department. If the Department requests additional documentation to calculate the rate for the change(s) in scope of service, the FQHC must provide the additional documentation within thirty (30) days. If the FQHC does not submit the additional documentation within the specified timeframe, the Department, at its discretion, may postpone the implementation of the scope-of-service rate adjustment.
- h) The reimbursement rate for a scope-of-service change applied for January 30, 2017 or afterwards will be calculated as follows:

1. The Department will first verify the total costs, the total covered health care costs, and the total number of visits before and after the change in scope of service. The Department will also calculate the Adjustment Factor (AF = covered health care costs/total cost of FQHC services) associated with the change in scope of service of the FQHC. If the AF is 80% or greater, the Department will accept the total costs as filed by the FQHC. If the AF is less than 80%, the Department will reduce the costs other than covered health care costs (thus reducing the total costs filed by the FQHC) until the AF calculation reaches 80%. These revised total costs will then be the costs used in the scope-of-service rate adjustment calculation.
2. The Department will then use the appropriate costs and visits data to calculate the adjusted PPS rate. The adjusted PPS rate will be the average of the costs/visits rate before and after the change in scope of service, weighted by visits.
3. The Department will calculate the difference between the current PPS rate and the adjusted PPS rate. The "current PPS rate" means the PPS rate in effect on the last day of the reporting period during which the most recent scope-of-service change occurred.
4. The Department will check that the adjusted PPS rate meets the 3% threshold described above. If it does not meet the 3% threshold, no scope-of-service rate adjustment will be implemented.
5. Once the Department has determined that the adjusted PPS rate has met the 3% threshold, the adjusted PPS rate will then be increased by the Medicare Economic Index (MEI) to become the new PPS rate.

i) The Department will review the submitted documentation and will notify the FQHC in writing within one hundred twenty (120) days from the date the Department received the application as to whether a PPS rate change will be implemented. Included with the notification letter will be a rate-setting statement sheet, if applicable. The new PPS rate will take effect one hundred twenty (120) days after the FQHC's fiscal year end.

j) Changes in scope of service, and subsequent scope-of-service rate adjustments, may also be identified by the Department through an audit or review process.

1. If the Department identifies a change in scope of services, the Department may request the documentation as described in Section 8.700.6.C.5.g from the FQHC. The FQHC must submit the documentation within ninety (90) days from the date of the request.
2. The rate adjustment methodology will be the same as described in Section 8.700.6.C.5.h.

3. The Department will review the submitted documentation and will notify the FQHC by written notice within one hundred twenty (120) days from the date the Department received the application as to whether a PPS rate change will be implemented. Included with the notification letter will be a rate-setting statement sheet, if applicable.
 4. The effective date of the scope-of-service rate adjustment will be one hundred twenty (120) days after the end of the fiscal year in which the change in scope of service occurred.
- k) A FQHC may request a written informal reconsideration of the Department's decision of the PPS rate change regarding a scope-of-service rate adjustment within thirty (30) days of the date of the Department's notification letter. The informal reconsideration must be mailed to the Department of Health Care Policy and Financing, 1570 Grant St, Denver, CO 80203. To request an informal reconsideration of the decision, a FQHC must file a written request that identifies specific items of disagreement with the Department, reasons for the disagreement, and a new rate calculation. The FQHC should also include any documentation that supports its position. A provider dissatisfied with the Department's decision after the informal reconsideration may appeal that decision through the Office of Administrative Courts according to the procedures set forth in 10 CCR 2505-10 Section 8.050.3, PROVIDER APPEALS.
6. The performance of physician and mid-level medical staff shall be evaluated through application of productivity standards established by the Centers for Medicare and Medicaid Services (CMS) in CMS Publication 27, Section 503; "Medicare Rural Health Clinic and FQHC Manual". If a FQHC does not meet the minimum productivity standards, the productivity standards established by CMS shall be used in the FQHCs' rate calculation.

8.700.6.E The Department shall notify the FQHC of its rate.

8.700.8 REIMBURSEMENT FOR OUTSTATIONING ADMINISTRATIVE COSTS

8.700.8.A The Department shall reimburse freestanding FQHCs for reasonable costs associated with assisting clients in the Medicaid application process. This outstationing payment shall be made based upon actual cost with a reasonable cost-per-application limit to be established by the Department. The reasonable cost-per application limit shall be based upon the lower of the amount allocated to county departments of social services for comparable functions or a provider-specific workload standard. In no case shall the outstationing payment for FQHCs exceed a maximum cap of \$60,000 per facility per year for all administrative costs associated with outstationing activities.

8.700.8.B

1. Hospitals with hospital-based FQHCs shall receive federal financial participation for reasonable costs associated with assisting potential beneficiaries in the Medicaid application process. For any hospital-based FQHC Medicaid cost report audited and finalized after July 1, 2005, Denver Health Medical Center shall receive federal financial participation for eligible expenditures. To receive the federal financial participation, Denver Health Medical Center shall provide the state's share of the outstationing payment by certifying that the audited administrative costs associated with outstationing

activities are eligible Medicaid public expenditures. Such certifications shall be sent to the Safety Net Programs Manager.

2. Hospitals with hospital-based FQHCs shall receive federal financial participation for reasonable costs associated with assisting potential beneficiaries in the Medicaid application process. Effective with the hospital cost report year 2010 and forward, the Department will make an interim payment to Denver Health Medical Center for estimated reasonable costs associated with outstationing activities based on the costs included in the as-filed Medicare cost report. This interim payment will be reconciled to actual costs after the cost report is audited. Denver Health Medical Center shall receive federal financial participation for eligible expenditures. To receive the federal financial participation, Denver Health Medical Center shall provide the state's share of the outstationing payment by certifying that the interim estimated administrative costs and the final audited administrative costs associated with outstationing activities are eligible Medicaid public expenditures. Such certifications shall be sent to the Safety Net Programs Manager.

8.700.8.C To receive payment, FQHCs shall submit annual logs of applicant information to the Department with their cost report. Applicant logs shall include the applicant's name, date of application, and social security number if available.

8.700.8.D Reimbursement for outstationing administrative costs shall be determined according to the following guidelines:

1. Freestanding FQHCs shall report on a supplementary schedule the administrative and general direct pass-through costs associated with outstationing activities. The Department shall allocate appropriate overhead costs (not separately identified) to calculate the total facility outstationing administrative expenses incurred. Freestanding FQHCs shall receive an annual lump sum retrospective payment based on the audited cost report.

2. Hospitals with hospital-based FQHCs shall submit the administrative and general pass through direct and indirect costs associated with outstationing activities on an extra line on the Medicaid Cost Report and submit all other source documentation to compute allowable outstationing costs. Hospitals with hospital-based FQHCs shall receive payment in accordance with 8.700.8.B. The reimbursement shall be separately identified on the Medicaid Settlement Sheet.

DO NOT PUBLISH

Title of Rule: Revision to the Medical Assistance Rule Concerning Supports Intensity Scale Assessment and Support Levels, Section 8.612.3 (Brittani Trujillo, Case Management Services)

Rule Number: MSB 16-12-19-A

Division / Contact / Phone: Division for Intellectual and Developmental Disabilities / James Ruden / 303-866-2016

SECRETARY OF STATE

RULES ACTION SUMMARY AND FILING INSTRUCTIONS

SUMMARY OF ACTION ON RULE(S)

1. Department / Agency Health Care Policy and Financing / Medical Services Board
Name:
2. Title of Rule: MSB 16-12-19-A, Revision to the Medical Assistance Rule Concerning Supports Intensity Scale Assessment and Support Levels, Section 8.612.3
3. This action is an adoption an amendment
of:
4. Rule sections affected in this action (if existing rule, also give Code of Regulations number and page numbers affected):
Sections(s) 8.601.1 and 8.603.7, Colorado Department of Health Care Policy and Financing, Staff Manual Volume 8, Medical Assistance (10 CCR 2505-10).
5. Does this action involve any temporary or emergency rule(s)? No
If yes, state effective date:
Is rule to be made permanent? (If yes, please attach notice of Yes hearing).

PUBLICATION INSTRUCTIONS*

Replace the current text at 8.612.3 with the proposed text beginning at 8.612.3 through the end of 8.612.3. The effective date of this rule is August 30, 2017.

DO NOT PUBLISH

Title of Rule: Revision to the Medical Assistance Rule Concerning Supports Intensity Scale Assessment and Support Levels, Section 8.612.3 (Brittani Trujillo, Case Management Services)
Rule Number: MSB 16-12-19-A
Division / Contact / Phone: Division for Intellectual and Developmental Disabilities / James Ruden / 303-866-2016

STATEMENT OF BASIS AND PURPOSE

1. Summary of the basis and purpose for the rule or rule change. (State what the rule says or does and explain why the rule or rule change is necessary).

The Department seeks to change the rules at 10 CCR 2505-10, 8.612.3, Support Levels. Currently, there is a table in rule that reflects the algorithm used to develop the support levels. The authors of the Supports Intensity Scale (SIS), American Association for Intellectual and Developmental Disabilities (AAIDD), have re-named the instrument, re-numbered some questions, and added three new questions to the tool. The Division for Intellectual and Developmental Disabilities has worked to make certain that these changes will not affect the current levels of services for individuals receiving services. No changes to the current support levels will be necessary. The Department is simply updating the name of the instrument and including the new algorithm table in the rules. An emergency rule-making is imperatively necessary

- ☐ to comply with state or federal law or federal regulation and/or
☐ for the preservation of public health, safety and welfare.

Explain:

2. Federal authority for the Rule, if any:

42 C.F.R. 441, Subpart M

3. State Authority for the Rule:

25.5-1-301 through 25.5-1-303, C.R.S. (2015);
C.R.S. 25.5-10-204(2)

Initial Review

04/14/17 Final Adoption

07/14/17

Proposed Effective Date

08/30/17 Emergency Adoption

DOCUMENT #03

Title of Rule: Revision to the Medical Assistance Rule Concerning Supports Intensity Scale Assessment and Support Levels, Section 8.612.3 (Brittani Trujillo, Case Management Services)

Rule Number: MSB 16-12-19-A

Division / Contact / Phone: Division for Intellectual and Developmental Disabilities / James Ruden / 303-866-2016

REGULATORY ANALYSIS

1. Describe the classes of persons who will be affected by the proposed rule, including classes that will bear the costs of the proposed rule and classes that will benefit from the proposed rule.

All members on the HCBS-DD and HCBS-SLS Waivers will be impacted. However, the algorithm has been structured so that no support levels will be changed.

2. To the extent practicable, describe the probable quantitative and qualitative impact of the proposed rule, economic or otherwise, upon affected classes of persons.

This rule will have no impact upon the affected classes. The only change will be to the name of the instrument and the algorithm. However, changes to the algorithm will not change the support levels of individuals. Individuals will continue to use the current exceptions processes for SIS Reassessment and Support Level Review when there is a concern with information in his or her current SIS or level of supports.

3. Discuss the probable costs to the Department and to any other agency of the implementation and enforcement of the proposed rule and any anticipated effect on state revenues.

There will be no implementation and enforcement costs for this rule.

4. Compare the probable costs and benefits of the proposed rule to the probable costs and benefits of inaction.

It is costing the Department \$4,057/mo. to maintain access to the old SIS Online. Updating the rules will save this expense.

5. Determine whether there are less costly methods or less intrusive methods for achieving the purpose of the proposed rule.

Not applicable. Simply updating the algorithm to reflect the current assessment.

Initial Review

04/14/17 Final Adoption

07/14/17

Proposed Effective Date

08/30/17 Emergency Adoption

DOCUMENT #03

6. Describe any alternative methods for achieving the purpose for the proposed rule that were seriously considered by the Department and the reasons why they were rejected in favor of the proposed rule.

Not applicable. To use the SIS-A the state must update the algorithm.

Initial Review

04/14/17 Final Adoption

07/14/17

Proposed Effective Date

08/30/17 Emergency Adoption

DOCUMENT #03

8.612.3 Support Levels [Eff. 2/1/12]

- A. A client is assigned into one of six Support Levels according to his or her overall support needs and based upon the standardized algorithm for the HCBS-DD or HCBS-SLS waivers. The SIS-A Assessment converts subscale raw scores for each section into standard scores for each section, which are used in the algorithm for support levels. Additional information can be found on the Department's webpage or can be obtained in writing by requesting from the Department.
- B. The structure of the algorithm, defined at 10 CCR 2505-10, 8.600.4 definitions, includes the following:
 - 1. Algorithm factors:
 - a. Standard scores from Section 2: Parts A (Home Living Activities), B (Community Living Activities), and E (Health and Safety Activities) (ABE) from the SIS assessment;
 - b. Total scores from Section 1A: Exceptional medical support needs score from the SIS assessment;
 - c. Total scores from Section 1B: exceptional behavioral support needs score from the SIS assessment; and,
 - d. Whether the client presents as a safety risk, defined at 10 CCR 2505-10, 8.600.4 definitions, as follows:
 - 1) In the HCBS-SLS waiver, Public Safety Risk-Convicted.
 - 2) In the HCBS-DD waiver, Public Safety Risk-Convicted/Not Convicted or Extreme Safety Risk to Self.
 - 2. The subgroups in the algorithm table under each support level reflect variations of the intensity of the client's basic support, medical support and behavioral support needs; no matter which subgroup a client falls into, he or she is eligible for that support level. The subgroups cluster individuals with similar behavioral and medical support needs within each major group. Additional information can be found on the Department's website or can be obtained in writing by requesting from the Department.
 - 3. Following an assessment of the factors defined above, standard scores for each factor are applied to the algorithm.

The Support Level is determined when the scores for each factor meet all of the criteria of a support level subgroup
 - 4. The results of the algorithm are used to assign clients to support levels one through six; with a support level one indicating a minimal need for supports and a support level six indicating a significantly higher need for supports.
 - 5. For the HCBS-SLS Waiver, the support level determines the Service Plan Authorization Limit (SPAL), which is defined at 10 CCR 2505-10, 8.600.4 definitions. The SPALs are posted annually by the Department on the Department's webpage or available in writing by contacting the Department.

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For the HCBS-DD Waiver, the support level determines the rate of reimbursement for the provider(s).

C. The formula for the algorithm is:

Support Level/Subgroup
Support Level 1
Subgroup 1A: ABE < 25; 1A<1 AND 1B< 2
Subgroup 1B: ABE < 25; 1A< 2 AND 1B< 5
Subgroup 1C: ABE < 25; 1A<4 and 1B< 5
Support Level 2
Subgroup 2A: ABE 26-30; 1A<1 AND 1B<2
Subgroup 2B: ABE 26-30; 1A< 2 AND 1B< 5
Subgroup 2C: ABE 26-30; 1A<4 AND 1B< 5
Subgroup 1D: ABE < 25; 1A<6
Subgroup 1G: ABE < 25; 1B<9
Subgroup 2D: ABE 26-30; 1A<6
Subgroup 2G: ABE 26-30; 1B<9
Subgroup 3A: ABE 31-33; 1A< 1 AND 1B< 2
Subgroup 3B: ABE 31-33 1A< 2 AND 1B< 5
Support Level 3
Subgroup 1H: ABE < 25; 1B<13
Subgroup 2H: ABE 26-30; 1B<13
Subgroup 3C: ABE 31-33; 1A<4 AND 1B< 5
Subgroup 3D: ABE 31-33; 1A<6
Subgroup 3G: ABE 31-33; 1B<9
Subgroup 4A: ABE > 34; 1A< 1 AND 1B< 2
Subgroup 4B: ABE >34 1A< 2 AND 1B< 5
Support Level 4
Subgroup 1E: ABE < 25; 1A<8
Subgroup 1F: ABE < 25; 1A>9
Subgroup 1I: ABE < 25; 1B<15
Subgroup 1J: ABE < 25; 1B>16
Subgroup 2E: ABE 26-30; 1A<8
Subgroup 2I: ABE 26-30; 1B<15
Subgroup 2J: ABE 26-30; 1B>16
Subgroup 3E: ABE 31-33; 1A<8
Subgroup 3H: ABE 31-33; 1B<13
Subgroup 4C: ABE > 34; 1A<4 AND 1B< 5
Subgroup 4G: ABE > 34; 1B<9

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Support Level 5
Subgroup 2F: ABE 26-30; 1A>9
Subgroup 3I: ABE 31-33; 1B<15
Subgroup 3J: ABE 31-33; 1B>16
Subgroup 4D: ABE >34; 1A<6
Subgroup 4E: ABE > 34; 1A<8
Subgroup 4H: ABE > 34; 1B<13
Subgroup 4I: ABE > 34; 1B<15
Group 5A: Community Safety (either status) AND 1b<11
Support Level 6
Subgroup 4J: ABE > 34; 1B>16
Group 6A: Community Safety (either status) AND 1b>12
Subgroup 3F: ABE 31-33; 1A>9
Subgroup 4F: ABE > 34; 1A>9
Level 7
Group 7: Individuals with Tier 7 Rates

Extreme Safety Risk to Self (as defined at 10 CCR 2505-10, 8.600.4 definitions) -This factor acts to increase the level otherwise determined by the above criteria. Level 1 increases to level 3, level 2 increases to level 4, level 3 increases to level 4, level 4 increases to level 5. No change to levels 5 or 6, as this factor is already considered in the algorithm.

Public Safety Risk (as defined at 10 CCR 2505-10, 8.600.4 definitions) – this factor acts to increase the level otherwise determined by the above criteria. Level 1 increases to level 5, level 2 increases to level 5, level 3 increases to level 5, and level 4 increases to level 6. No change to levels 5 or 6 as this factor is already considered in the algorithm.

- D. The CMA shall make a determination whether a client meets the definition of Public Safety Risk or Extreme Safety Risk to Self through the following process:
1. The decision shall be made by a case management supervisor meeting the qualifications of a Developmental Disabilities Professional as defined in section 8.600.4. He or she shall:
 - a. Document the rationale to support the decision which shall be kept in the client's record;

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- b. Document that the client meets the definition in the Department required data system; and,
 - c. Review the client at least annually or when significant changes occur to assure that the client continues to meet the definition.
- 2. At the point when a client no longer meets the definition, his or her status must be changed in the Department-required data system and his or her Support Level must be re-calculated.
- E. The CMA shall inform each client, his or her legal guardian, authorized representative, or family member, as appropriate, of his or her Support Level at the time of the Service Plan development or when the Support Level changes for any reason.
- F. Notification of a Support Level change shall occur within ten (10) business days of the date after the Service Plan development or Support Level change.
- G. Each Support Level corresponds with the standardized reimbursement rates for individual waiver services and the Service Plan Authorization Limits (SPAL) in HCBS-SLS.
- H. In HCBS-DD, the Department may assign a reimbursement rate for day habilitation services and residential habilitation services provided to a client with exceptional overall needs in accordance with the Support Level Review Process.

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Office of the Attorney General

Tracking number: 2017-00185

Opinion of the Attorney General rendered in connection with the rules adopted by the

Medical Services Board (Volume 8; Medical Assistance, Children's Health Plan)

on 07/14/2017

10 CCR 2505-10

MEDICAL ASSISTANCE - STATEMENT OF BASIS AND PURPOSE, AND RULE HISTORY

The above-referenced rules were submitted to this office on 07/19/2017 as required by section 24-4-103, C.R.S. This office has reviewed them and finds no apparent constitutional or legal deficiency in their form or substance.

July 31, 2017 11:34:51

Cynthia H. Coffman
Attorney General
by Frederick R. Yarger
Solicitor General

Emergency Rules Adopted

Department

Department of Health Care Policy and Financing

Agency

Medical Services Board (Volume 8; Medical Assistance, Children's Health Plan)

CCR number

10 CCR 2505-10

Rule title

10 CCR 2505-10 MEDICAL ASSISTANCE - STATEMENT OF BASIS AND PURPOSE,
AND RULE HISTORY 1 - eff 07/14/2017

Effective date

07/14/2017

DO NOT PUBLISH THIS PAGE

Title of Rule: Revision to the Medical Assistance Rule Concerning the Colorado Healthcare Affordability and Sustainability Enterprise, Sections 8.300.8, 8.905, 8.2000, and 8.3000

Rule Number: MSB 17-06-29-A

Division / Contact / Phone: Special Financing / Nancy Dolson / 303-866-3698

SECRETARY OF STATE

RULES ACTION SUMMARY AND FILING INSTRUCTIONS

SUMMARY OF ACTION ON RULE(S)

1. Department / Agency Name: Health Care Policy and Financing / Medical Services Board
2. Title of Rule: MSB 17-06-29-A, Revision to the Medical Assistance Rule Concerning the Colorado Healthcare Affordability and Sustainability Enterprise, Sections 8.300.8, 8.905, 8.2000, and 8.3000
3. This action is an adoption of: new rules
4. Rule sections affected in this action (if existing rule, also give Code of Regulations number and page numbers affected):
Sections(s) 8.300.8, 8.905, 8.2000, and 8.3000, Colorado Department of Health Care Policy and Financing, Staff Manual Volume 8, Medical Assistance (10 CCR 2505-10).
5. Does this action involve any temporary or emergency rule(s)? Yes
If yes, state effective date: 7/14/2017
Is rule to be made permanent? (If yes, please attach notice of hearing). Yes

PUBLICATION INSTRUCTIONS*

Replace the current text at 8.300.8.B.1 with the proposed text starting at 8.300.8.B.1 through the end of 8.300.8.B.2. Replace the current text at 8.905.B.1 with the proposed text starting at 8.905.1.B.1 through the end of 8.905.1.B.1. Delete the current text at

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8.2000, starting at 8.2000 through the end of 8.2000. Insert new text starting at 8.3000 through the end of 8.3000. This emergency rule is effective July 14, 2017.

DO NOT PUBLISH THIS PAGE

Title of Rule: Revision to the Medical Assistance Rule Concerning the Colorado Healthcare Affordability and Sustainability Enterprise, Sections 8.300.8, 8.905, 8.2000, and 8.3000

Rule Number: MSB 17-06-29-A

Division / Contact / Phone: Special Financing / Nancy Dolson / 303-866-3698

STATEMENT OF BASIS AND PURPOSE

1. Summary of the basis and purpose for the rule or rule change. (State what the rule says or does and explain why the rule or rule change is necessary).

Senate Bill 17-267 signed into law by the governor on May 30, 2017 creates the Colorado Healthcare Affordability and Sustainability Enterprise (CHASE) at § 25.5-4-402.4, C.R.S. effective July 1, 2017 to assess a healthcare affordability and sustainability fee to obtain federal financial participation to increase hospital reimbursement for care provided under Medicaid and the Colorado Indigent Care Program (CICP) and to fund health coverage under Medicaid and the Child Health Plan Plus (CHP+). The CHASE Act also repeals the hospital provider fee at 25.5-4-402.3, C.R.S. In accordance with statute, this proposed rule repeals the hospital provider fee rules at 10 CCR 2505-10, Section 8.2000, creates rules for the healthcare affordability and sustainability fee at Section 8.3000, and makes corresponding revisions to references under Sections 8.300.8 and 8.905.

2. An emergency rule-making is imperatively necessary

☐ to comply with state or federal law or federal regulation and/or

☐ for the preservation of public health, safety and welfare.

Explain:

Effective July 1, 2017, the Colorado Healthcare Affordability and Sustainability Enterprise (CHASE) at § 25.5-4-402.4, C.R.S. establishes a healthcare affordability and sustainability fee to obtain federal financial participation to increase hospital reimbursement for care provided under Medicaid and the CICP. Fee revenue also serves as the state share to fund health coverage for more than 480,000 Coloradans currently enrolled in Medicaid and the CHP+. To comply with the new state law and to comply with the State Plan with the Centers for Medicare and Medicaid Services, the CHASE must establish rules on an emergency basis in order to assess fees on hospitals to ensure continuing health care coverage for

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these Medicaid and CHP+ members and to make required payments to hospitals. Senate Bill 17-267 also repealed the Hospital Provider Fee program effective July 1, 2017.

3. Federal authority for the Rule, if any:

42 CFR 433.68

4. State Authority for the Rule:

25.5-1-301 through 25.5-1-303, C.R.S. (2015);

25.5-4-402.4(4)(g), C.R.S.

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REGULATORY ANALYSIS

5. Describe the classes of persons who will be affected by the proposed rule, including classes that will bear the costs of the proposed rule and classes that will benefit from the proposed rule.

Colorado hospitals benefit from increased Medicaid and CICP reimbursement made possible through the healthcare affordability and sustainability fee and matching federal funds and the reduction in the number of uninsured Coloradans from expanded Medicaid and CHP+ eligibility. Low-income persons benefit by having health care coverage through the expanded Medicaid and CHP+ eligibility.

6. To the extent practicable, describe the probable quantitative and qualitative impact of the proposed rule, economic or otherwise, upon affected classes of persons.

The healthcare affordability and sustainability fee and matching federal funds will result in more than \$2 billion in annual health care expenditures for more than 480,000 Coloradans and will provide more than \$200 million in net new federal funds to Colorado hospitals.

7. Discuss the probable costs to the Department and to any other agency of the implementation and enforcement of the proposed rule and any anticipated effect on state revenues.

While there are administrative costs associated with CHASE, such costs are funded with fees and federal matching funds and no state general funds are expected to be used.

8. Compare the probable costs and benefits of the proposed rule to the probable costs and benefits of inaction.

If no action is taken, CHASE will not be able to fund Medicaid and CHP+ expansions, affecting over 480,000 currently enrolled persons. Inaction would also reduce CICP payments to hospitals, endangering access to discounted health care for low-income persons not eligible for Medicaid or CHP+, and reduce the federal revenue to hospitals.

9. Determine whether there are less costly methods or less intrusive methods for achieving the purpose of the proposed rule.

The State does not have alternative resources to fund hospital payments and health coverage for the populations as provided under CHASE; therefore, no other methods are available to achieve the purpose of the proposed rule.

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10. Describe any alternative methods for achieving the purpose for the proposed rule that were seriously considered by the Department and the reasons why they were rejected in favor of the proposed rule.

The CHASE Act directs the Medical Services Board to promulgate rules for the implementation of the healthcare affordability and sustainability fee; therefore, no alternatives to rule making are available.

8.300.8.B Colorado Determination of Individual Hospital Disproportionate Payment Adjustment

1. Eligible hospitals will receive a Disproportionate Share Hospital Supplemental Payment according to the terms defined in 10 CCR 2505-10 section 8.3004.D.
- 2.

8.905 DEPARTMENT RESPONSIBILITIES

A. Provider Application

1. The Department shall produce and publish a provider application annually.
 - a. The application will be updated annually to incorporate any necessary changes and update any Program information.
 - b. The application will include data and quality metric submission templates.
2. The Department shall determine Qualified Health Care Providers annually through the application process.
3. An agreement will be executed between the Department and Denver Health for the purpose of providing discounted health care services to the residents of the City and County of Denver, as required by Section 25.5-3-108 (5)(a)(I), C.R.S.
4. An agreement will be executed between the Department and University Hospital for the purpose of providing discounted health care services in the Denver Metropolitan Area and complex care that is not contracted for in the remaining areas of the state, as required by Section 25.5-3-108 (5)(a)(II), C.R.S.
5. The Department shall produce and publish a provider directory annually.

B. Payments to Providers

1. Funding for hospitals shall be distributed in accordance with 10 CCR 2505-10 Section 8.3000 and 8.905 B.3.
2. Clinics
 - a. Funding for Clinic Providers is appropriated through the Colorado General Assembly under the Children's Hospital, Clinic Based Indigent Care line item. Effective July 1, 2018, funding for clinics shall be separated into two different groups, as follows:

- I. Seventy-five (75) percent of the funding will be distributed based on Clinic Providers' write off costs relative to the total write off costs for all Clinic Providers.
 - II. Twenty-five (25) percent of the funding will be distributed based on a points system granted to Clinic Providers based on their quality metric scores multiplied by the Clinic Provider's total visits from their submitted Program data.
- b. The quality metric scores will be calculated based on the following four metrics. The metrics are defined by the Health Resources & Services Administration (HRSA):
 - I. Preventative Care and Screening: Body Mass Index (BMI) Screening and Follow Up
 - II. Preventative Care and Screening: Screening for Clinical Depression and Follow-up Plan
 - III. Diabetes: Hemoglobin A1c Poor Control
 - IV. Controlling High Blood Pressure
- c. Write off costs will be calculated as follows:
 - I. Distribution of available funds for indigent care costs will be calculated based upon historical data. Third-party liabilities and the patient liabilities will be deducted from total charges to generate medically indigent charges.
 - II. Clinic Providers shall deduct amounts due from third-party payment sources from total charges declared on the summary statistics submitted to the Department.
 - III. Clinic Providers shall deduct the full patient liability amount from total charges, which is the amount due from the Client as identified in the CACP Standard Client Copayment Table, as defined under Appendix A in these rules, or an alternative sliding fee scale that is submitted by the provider with the annual application for the CACP and approved by the Department. The summary information submitted to the Department by the provider shall include the full CACP patient liability amount even if the Clinic Provider receives the full payment at a later date or through several smaller installments or no payment from the Client.
 - IV. Medically indigent charges will be converted to medically indigent costs using the most recently available cost-to-charge ratio from the Clinic Provider's cost report or other financial documentation accepted by the Department.
- d. The Department shall notify Clinic Providers of their expected payment no later than July 31 of each year. The notification shall include the total expected payment and a description of the methodology used to calculate the payment.
- e. For the 2017-18 Program year, Clinic Provider payments will be based solely on calendar year 2016 write-off costs relative to the total write off costs for all Clinic

Providers. Write off charges shall be calculated as described in part c of this section.

3. Pediatric Major Teaching Hospital Payment. Hospital Providers shall qualify for additional payment when they meet the criteria for being a major teaching hospital provider and when their Medicaid-eligible inpatient days combined with indigent care days (days of care provided under the Colorado Indigent Care Program) equal or exceed 30 percent of their total inpatient days for the most recent year for which data are available. A major teaching hospital provider is defined as a Colorado hospital, which meets the following criteria:
 - a. Maintains a minimum of 110 total Intern and Resident (I/R) F.T.E.'s;
 - b. Maintains a minimum ratio of .30 Intern and Resident (I/R) F.T.E.'s per licensed bed;
 - c. Qualifies as a Pediatric Specialty Hospital under the Medicaid Program, such that the hospital provides care exclusively to pediatric populations.
 - d. Has a percentage of Medicaid-eligible inpatient days relative to total inpatient days that equal or exceeds one standard deviation above the mean; and
 - e. Participates in the Colorado Indigent Care Program

The Major Teaching Hospital Rate is set by the Department such that the payment will not exceed the appropriation set by the General Assembly.

C. Provider Appeals

1. Any provider who submits an application to become a Qualified Health Care Provider whose application is denied may appeal the denial to the Department.
2. The provider's first level appeal must be filed within five (5) business days of the receipt of the denial letter. The Department's Special Financing Division Director will respond to any first level appeals within ten (10) business days of receipt of the appeal.
3. If a provider disagrees with the Department's Special Financing Division Director's first level appeal determination, they may file a second level appeal within five (5) business days of the receipt of the first level appeal determination. The Department's Executive Director will respond to the second level appeal within ten (10) business days of the receipt of the second level appeal.

D. Advisory Council

The Department shall create a CICIP Stakeholder Advisory Council, effective July 1, 2017. The Executive Director of the Department shall appoint 11 members to the CICIP Stakeholder Advisory Council. Members shall include:

1. A member representing the Department;
2. Three consumers who are eligible for the Program or three representatives from a consumer advocate organization or a combination of each;
3. A representative from a federally qualified health center as defined at 42 U.S.C. 1395x (aa)(4);

4. A representative from a rural health clinic as defined at 42 U.S.C. 1395x (aa)(2), or a representative from a clinic licensed or certified as a community health clinic by the Department of Public Health and Environment, or a representative from an organization that represents clinics who are not federally qualified health centers;
5. A representative from either Denver Health or University Hospital;
6. A representative from an urban hospital;
7. A representative from a rural or critical access hospital;
8. A representative of an organization of Colorado community health centers, as defined in the federal "Public Health Service Act", 42 U.S.C. sec. 254b;
9. A representative from an organization of Colorado hospitals.

Members shall serve without compensation or reimbursement of expenses. The Executive Director shall at least annually select a chair for the council to serve for a maximum period of twelve months. The Department shall staff the council. The council shall convene at least twice every fiscal year according to a schedule set by the chair. Members of the council shall serve three-year terms. Of the members initially appointed to the advisory council, the executive director shall appoint six for two-year terms and five for three-year terms. In the event of a vacancy on the advisory council, the executive director shall appoint a successor to fill the unexpired portion of the term of such member.

The council shall

1. Advise the Department of operation and policies for the Program
2. Make recommendations to the Medical Services Board regarding rules for the Program

E. Annual Report

1. The Department shall prepare an annual report concerning the status of the Program to be submitted to the Health and Human Services committees of the Senate and House of Representatives, or any successor committees, no later than February 1 of each year.
2. The report shall at minimum include charges for each Qualified Health Care Provider, numbers of Clients served, and total payments made to each Qualified Health Care Provider.

8.3000: HEALTHCARE AFFORDABILITY AND SUSTAINABILITY FEE COLLECTION AND DISBURSEMENT

PURPOSE: Subject to federal approval by the Centers for Medicare and Medicaid Services (CMS), the Colorado Healthcare Affordability and Sustainability Enterprise Act of 2017 (Act), C.R.S. § 25.5-4-402.4, authorizes the Colorado Healthcare Affordability and Sustainability Enterprise (CHASE) to assess a healthcare affordability and sustainability fee, pursuant to rules adopted by the State Medical Services Board, to provide a business services to hospitals as described in C.R.S. § 25.5-4-402.4(4)(a). These business services include but are not limited to obtaining federal financial participation to increase reimbursement to hospitals for care provided under the state medical assistance program (Medicaid) and the Colorado Indigent Care Program (CICP); expanding health coverage for parents of Medicaid eligible children, for children and pregnant women under the Child Health Plan Plus (CHP+), and for low-income adults without dependent children; providing a Medicaid buy-in program for people with disabilities; implementing twelve month continuous eligibility for Medicaid eligible children; paying CHASE's administrative costs of implementing and administering the Act; consulting with hospitals to help them improve cost efficiency, patient safety, and clinical effectiveness; advising hospitals regarding potential changes to federal and state laws and regulations governing Medicaid; providing coordinating services to hospitals to help them adapt and transition to any new or modified performance tracking and payment systems for the Medicaid program; and providing funding for a health care delivery system reform incentive payments program.

8.3001: DEFINITIONS

“Act” means the Colorado Healthcare Affordability and Sustainability Enterprise Act of 2017, § 25.5-4-402.4, C.R.S.

“CICP” means the Colorado Indigent Care Program, as described in 10 CCR 2505-10, Section 8.900.

“CICP Day” means an inpatient hospital day for a recipient enrolled in the CICP.

“CMS” means the federal Centers for Medicare and Medicaid Services.

“Critical Access Hospital” means a hospital qualified as a critical access hospital under 42 U.S.C. § 1395i-4(c)(2) and certified as a critical access hospital by the Colorado Department of Public Health and Environment.

“Disproportionate Share Hospital Payment” or “DSH Payment” means the payments made to qualified hospitals that serve a disproportionate share of Medicaid and uninsured individuals as required under 42 U.S.C. § 1396r-4. Federal law establishes an annual DSH allotment for each state that limits federal financial participation for total statewide DSH payments made to hospitals.

“Enterprise Board” means the Colorado Healthcare Affordability and Sustainability Enterprise Board described in C.R.S. § 25.5-4-402.4(7).

“Essential Access Hospital” means a Critical Access Hospital or General Hospital located in a Rural Area with 25 or fewer licensed beds.

“Exclusive Provider Organization” or “EPO” means a type of managed care health plan where members are not required to select a primary care provider or receive a referral to receive services from a specialist. EPOs will not cover care provided out-of-network except in an emergency.

“Fund” means the healthcare affordability and sustainability fee cash fund described in C.R.S. § 25.5-4-402.4(5).

“General Hospital” means a hospital licensed as a general hospital by the Colorado Department of Public Health and Environment.

“High Volume Medicaid and CICIP Hospital” means a hospital with at least 30,000 Medicaid Days per year that provides over 30% of its total days to Medicaid and CICIP clients.

“Health Maintenance Organization” or “HMO” means a type of managed care health plan that limits coverage to providers who work for or contract with the HMO and requires selection of a primary care provider and referrals to receive services from a specialist. HMOs will not cover care provided out-of-network except in an emergency.

“Hospital-Specific Disproportionate Share Hospital Limit” or “Hospital-Specific DSH Limit” means a hospital’s maximum allowable Disproportionate Share Hospital payment eligible for Medicaid federal financial participation allowed under 42 U.S.C. § 1396r-4.

“Inpatient Services Fee” means an assessment on hospitals based on inpatient Managed Care Days and Non-Managed Care Days.

“Inpatient Upper Payment Limit” means the maximum amount that Medicaid can reimburse a provider for inpatient hospital services and still receive federal financial participation.

“Long Term Care Hospital” means a General Hospital that is certified as a long term care hospital by the Colorado Department of Public Health and Environment.

“Managed Care Day” means an inpatient hospital day for which the primary payer is a managed care health plan, including a HMO, PPO, POS, and EPO days.

“Medicaid Day” means a Managed Care Day or Non-Managed Care Day for which the primary or secondary payer is Medicaid.

“Medicaid Managed Care Day” means a Managed Care Day for which the primary payer is Medicaid.

“Medicare Cost Report” means the Medicare hospital cost report, form CMS 2552-96 or CMS 2552-10, or any successor form created by CMS.

“MMIS” means the Medicaid Management Information System, the Department’s Medicaid claims payment system.

“MIUR” means Medicaid inpatient utilization rate which is calculated as Medicaid Days divided by total hospitals days.

“Non-Managed Care Day” means an inpatient hospital day for which the primary payer is an indemnity insurance plan or other insurance plan not serving as an HMO, PPO, POS, or EPO.

“Non-State-Owned Government Hospital” means a hospital that is either owned or operated by a local government.

“Outpatient Services Fee” means an assessment on hospitals based on outpatient hospital charges.

“Outpatient Upper Payment Limit” means the maximum amount that Medicaid can reimburse a provider for outpatient hospital services and still receive federal financial participation.

“Pediatric Specialty Hospital” means a hospital that provides care exclusively to pediatric populations.

“POS” or “Point of Service” means a type of managed care health plan that charges patients less to receive services from providers in the plan’s network and requires a referral from a primary care provider to receive services from a specialist.

“PPO” or “Preferred Provider Organization” means a type of managed care health plan that contracts with providers to create a network of participating providers. Patients are charged less to receive services from providers that belong to the network and may receive services from providers outside the network at an additional cost.

“Privately-Owned Hospital” means a hospital that is privately owned and operated.

“Psychiatric Hospital” means a hospital licensed as a psychiatric hospital by the Colorado Department of Public Health and Environment.

“Rehabilitation Hospital” means an inpatient rehabilitation facility.

“Respiratory Hospital” means a hospital that primarily specializes in respiratory related diseases.

“Rural Area” means a county outside a Metropolitan Statistical Area or an area within an outlying county of a Metropolitan Statistical Area designated by the United States Office of Management and Budget.

“State-Owned Government Hospital” means a hospital that is either owned or operated by the State.

“State University Teaching Hospital” means a High Volume Medicaid and CICP Hospital which provides supervised teaching experiences to graduate medical school interns and residents enrolled in a state institution of higher education, and in which more than fifty percent (50%) of its credentialed physicians are members of the faculty at a state institution of higher education.

“Supplemental Medicaid Payment” means any of the payments described in 10 CCR 2505-10, Sections 8.3004.B., 8.3004.C., 8.3004.E., and 8.3004.F.

“Uninsured Cost” means uninsured days and charges allocated to routine and ancillary cost centers and multiplied by the most recent provider-specific per diem cost and cost-to-charge ratio from the Medicare Cost Report.

“Urban Center Safety Net Specialty Hospital” means a hospital located in a Metropolitan Statistical Area designated by the United States Office of Management and Budget where its Medicaid Days plus CICP Days relative to total inpatient hospital days, rounded to the nearest percent, equals or exceeds 65%.

8.3002: RESPONSIBILITIES OF THE ENTERPRISE AND HOSPITALS

8.3002.A. DATA REPORTING

1. For purposes of calculating the Outpatient Services Fee, Inpatient Services Fee and the distribution of supplemental payments, the Enterprise shall distribute a data reporting template to all hospitals no later than April 30 of each year. The Enterprise shall include instructions for completing the data reporting template, including definitions and descriptions of each data element to be reported. Hospitals shall submit the requested data to the Enterprise within thirty (30) calendar days after receiving the data reporting template or on the stated due date, whichever is later. The Enterprise may estimate any data element not provided directly by the hospital.
2. Hospitals shall submit days and charges for Medicaid Managed Care, out-of-state Medicaid, and uninsured patients, Managed Care Days, and any additional elements requested by the Enterprise.

3. The Enterprise shall distribute a data confirmation report to all hospitals annually. The data confirmation report shall include a listing of relevant data elements used by the Enterprise in calculating the Outpatient Services Fee, the Inpatient Services Fee and the supplemental payments. The data confirmation report shall clearly state the manner and timeline in which hospitals may request revisions to the data elements recorded by the Enterprise. Revisions to the data will not be permitted by a hospital after the dates outlined in the data confirmation report.
4. An authorized hospital signatory shall certify that the data included in the data reporting template are correct, are based on actual hospital records, and that all supporting documentation will be maintained for a minimum of six years.

8.3002.B. FEE ASSESSMENT AND COLLECTION

1. Establishment of Electronic Funds Process. The Enterprise shall utilize an Automated Clearing House (ACH) debit process to collect the Outpatient Services Fee and Inpatient Services Fee from hospitals and an Electronic Funds Transfer (EFT) payment process to deposit supplemental payments in financial accounts authorized by hospitals. The Enterprise shall supply hospitals with all necessary information, authorization forms and instructions to implement this electronic process.
2. The Outpatient Services Fee and Inpatient Services Fee will be assessed on an annual basis and collected in twelve monthly installments. Payments to hospitals will be calculated on an annual basis and disbursed in twelve monthly installments.
 - a. For those hospitals that participate in the electronic funds process utilized by the Enterprise, fees will be assessed and payments will be disbursed on the second Friday of the month, except when State offices are closed during the week of the second Friday, then fees will be assessed and payment will be disbursed on the following Friday of the month. If the Enterprise must diverge from this schedule due to unforeseen circumstances, the Enterprise shall notify hospitals in writing or by electronic notice as soon as possible.
 - i. The Enterprise may assess fees and disburse payments for Urban Center Safety Net Specialty Hospitals on an alternate schedule determined by the Department.
 - b. At no time will the Enterprise assess fees or disburse payments prior to the state fiscal year for which they apply.
3. Electronic Funds Process Waiver. Hospitals not exempt from the Outpatient Services Fee and Inpatient Services Fee must participate in the electronic funds process utilized by the Enterprise for the collection of fees and the disbursement of payments unless the Enterprise has approved an alternative process. A hospital requesting to not participate in the electronic fee collection process and/or payment process must submit a request in writing or by electronic notice to the Enterprise describing an alternative fee collection process and/or payment process. The Enterprise shall approve or deny the alternative process in writing or by electronic notice within 30 calendar days of receipt of the request.
 - a. For hospitals that do not participate in the electronic funds process utilized by the Enterprise for the collection of fees, payments to hospitals shall be processed by the Enterprise within two business days of receipt of the Outpatient Services Fee and Inpatient Services Fee.
 - b. For hospitals that do not participate in the electronic funds process utilized by the Enterprise for the disbursement of payments, payments to hospitals shall be processed

through a warrant (paper check) by the Enterprise within two business days of receipt of the Outpatient Services Fee and Inpatient Services Fee.

8.3003: HEALTHCARE AFFORDABILITY AND SUSTAINABILITY FEE

8.3003.A. OUTPATIENT SERVICES FEE

1. Federal requirements. The Outpatient Services Fee is subject to federal approval by CMS. The Enterprise shall demonstrate to CMS, as necessary for federal financial participation, that the Outpatient Services Fee is in compliance with 42 U.S.C. §§ 1396b(w), 1396b(w)(3)(E), and 1396b(w)(4).
2. Exempted hospitals. Psychiatric Hospitals, Long Term Care Hospitals and Rehabilitation Hospitals are exempted from the Outpatient Services Fee.
3. Calculation methodology. The Outpatient Services Fee is calculated on an annual basis as 1.8208% of total hospital outpatient charges. High Volume Medicaid and CICP Hospitals' Outpatient Services Fee is discounted by 0.84%.

8.3003.B. INPATIENT SERVICES FEE

1. Federal requirements. The Inpatient Services Fee is subject to federal approval by CMS. The Enterprise shall demonstrate to CMS, as necessary for federal financial participation, that the Inpatient Services Fee is in compliance with 42 U.S.C. §§ 1396b(w), 1396b(w)(3)(E), and 1396b(w)(4).
2. Exempted hospitals. Psychiatric Hospitals, Long Term Care Hospitals and Rehabilitation Hospitals are exempted from the Inpatient Services Fee.
3. Calculation methodology. The Inpatient Services Fee is calculated on an annual per inpatient day basis of \$86.22 per day for Managed Care Days and \$385.35 per day for all Non-Managed Care Days with the following exceptions:
 - a. High Volume Medicaid and CICP Hospitals' Inpatient Services Fee is discounted to \$45.02 per day for Managed Care Days and \$201.19 per day for all Non-Managed Care Days, and.
 - b. Essential Access Hospitals' Inpatient Services Fee is discounted to \$34.49 per day for Managed Care Days and \$154.14 per day for Non-Managed Care Days.

8.3003.C. ASSESSMENT OF HEALTHCARE AFFORDABILITY AND SUSTAINABILITY FEE

1. The Enterprise shall calculate the Inpatient Services Fee and Outpatient Services Fee under this section on an annual basis in accordance with the Act. Upon receiving a favorable recommendation by the Enterprise Board, the Inpatient Services Fee and Outpatient Services Fee shall be subject to approval by the CMS and the Medical Services Board. Following these approvals, the Enterprise shall notify hospitals, in writing or by electronic notice, of the annual fee to be collected each year, the methodology to calculate such fee, and the fee assessment schedule. Hospitals shall be notified, in writing or by electronic notice, at least thirty calendar days prior to any change in the dollar amount of the Inpatient Services Fee and the Outpatient Services Fee to be assessed.
2. The Inpatient Services Fee and the Outpatient Services Fee will be assessed on the basis of the qualifications of the hospital in the year the fee is assessed as confirmed by the hospital in the data confirmation report. The Enterprise will prorate and adjust the Inpatient Services Fee and

Outpatient Services Fee for the expected volume of services for hospitals that open, close, relocate or merge during the payment year.

8.3003.D. REFUND OF EXCESS FEES

1. If, at any time, fees have been collected for which the intended expenditure has not received approval for federal Medicaid matching funds by CMS at the time of collection, the Enterprise shall refund to each hospital its proportion of such fees paid within five business days of receipt. The Enterprise shall notify each hospital of its refund amount in writing or by electronic notice. The refunds shall be paid to each hospital according to the process described in Section 8.3002.B.
2. After the close of each State fiscal year and no later than the following August 31, the Enterprise shall present a summary of fees collected, expenditures made or encumbered, and interest earned in the Fund during the State fiscal year to the Enterprise Board.
 - a. If fees have been collected for which the intended expenditure has received approval for federal Medicaid matching funds by CMS, but the Enterprise has not expended or encumbered those fees at the close of each State fiscal year:
 - i. The total dollar amount to be refunded shall equal the total fees collected, less expenditures made or encumbered, plus any interest earned in the Fund, less the minimum Fund reserve recommended by the Enterprise Board.
 - ii. The refund amount for each hospital shall be calculated in proportion to that hospital's portion of all fees paid during the State fiscal year.
 - iii. The Enterprise shall notify each hospital of its refund in writing or by electronic notice by September 15 each year. The refunds shall be paid to each hospital by September 30 of each year according to the process described in Section 8.3002.B.

8.3004: SUPPLEMENTAL MEDICAID AND DISPROPORTIONATE SHARE HOSPITAL PAYMENTS

8.3004.A. CONDITIONS APPLICABLE TO ALL SUPPLEMENTAL PAYMENTS

1. All Supplemental Medicaid Payments are prospective payments subject to the Inpatient Upper Payment Limit and Outpatient Upper Payment Limit, calculated using historical data, with no reconciliation to actual data for the payment period. In the event that data entry or reporting errors, or other unforeseen payment calculation errors are realized after a supplemental payment has been made, reconciliations and adjustments to impacted hospital payments may be made retroactively, as determined by the Enterprise.
2. No hospital shall receive a DSH Payment exceeding its Hospital-Specific Disproportionate Share Hospital Limit. If upon review, the Disproportionate Share Hospital Payment, described in 10 CCR 2505-10, Section 8.3004.D, exceeds the Hospital-Specific Disproportionate Share Hospital Limit for any qualified hospital, the hospital's payment shall be reduced to the Hospital-Specific Disproportionate Share Hospital Limit retroactively. The amount of the retroactive reduction shall be retroactively distributed to other qualified hospitals by each hospital's percentage of Uninsured Costs compared to total Uninsured Costs for all qualified hospitals not exceeding their Hospital-Specific Disproportionate Share Hospital Limit.
3. In order to receive a Supplemental Medicaid Payment or Disproportionate Share Hospital Payment, hospitals must meet the qualifications for the payment in the year the payment is

received as confirmed by the hospital during the data confirmation report. Payments will be prorated and adjusted for the expected volume of services for hospitals that open, close, relocate or merge during the payment year.

8.3004.B. OUTPATIENT HOSPITAL SUPPLEMENTAL MEDICAID PAYMENT

1. Qualified hospitals. Hospitals providing outpatient hospital services to Medicaid clients shall receive this payment.
2. Excluded hospitals. Psychiatric Hospitals shall not receive this payment.
3. Calculation methodology for payment. Hospital-specific outpatient billed charges from the Colorado MMIS are multiplied by the hospital's Medicare cost-to-charge ratio to arrive at hospital-specific outpatient billed costs. For each qualified hospital, the annual Outpatient Hospital Supplemental Medicaid Payment equals hospital-specific outpatient billed costs, adjusted for utilization and inflation, multiplied by a percentage adjustment factor. The percentage adjustment factor may vary for State-Owned Government Hospitals, Non-State-owned Government Hospitals, and Privately-Owned Hospitals, for urban and rural hospitals, for State University Teaching Hospitals, for Major Pediatric Teaching Hospitals, for Urban Center Safety Net Specialty Hospitals, or for other hospital classifications. Total payments to hospitals shall not exceed the Outpatient Upper Payment Limit. The percentage adjustment factor for each qualified hospital will be published annually in the Colorado Medicaid Provider Bulletin.

8.3004.C. INPATIENT HOSPITAL BASE RATE SUPPLEMENTAL MEDICAID PAYMENT

1. Qualified hospitals. Hospitals providing inpatient hospital services to Medicaid clients shall receive this payment.
2. Excluded hospitals. Psychiatric Hospitals shall not receive this payment.
3. Calculation methodology for payment. For each qualified hospital, the annual payment equals the hospital's expected Medicaid discharges, multiplied by the hospital's average Medicaid case mix, multiplied by the hospital's Medicaid base rate before add-ons, multiplied by a percentage adjustment factor. The percentage adjustment factor may vary by hospital such that total payments to hospitals do not exceed the available Inpatient Upper Payment Limit. The percentage adjustment factor may vary for State-Owned Government Hospitals, Non-State-owned Government Hospitals, and Privately-Owned Hospitals, for urban and rural hospitals, for State University Teaching Hospitals, for Pediatric Specialty Hospitals, for Urban Center Safety Net Specialty Hospitals, or for other hospital classifications. The percentage adjustment factor for each qualified hospital will be published annually in the Colorado Medicaid Provider Bulletin.

8.3004.D. DISPROPORTIONATE SHARE HOSPITAL SUPPLEMENTAL PAYMENT

1. Qualified hospitals.
 - a. Hospitals that are Colorado Indigent Care Program providers and have at least two obstetricians who have staff privileges at the hospital and who have agreed to provide obstetric care for Medicaid clients or is exempt from the obstetrician requirement pursuant to 42 U.S.C. § 1396r-4(d)(2)(ii) shall receive this payment; or
 - b. Hospitals with a MIUR equal to or greater than the mean plus one standard deviation of all MIURs for Colorado hospitals and have at least two obstetricians who have staff privileges at the hospital and who have agreed to provide obstetric care for Medicaid clients or is exempt from the obstetrician requirement pursuant to 42 U.S.C. § 1396r-4(d)(2)(ii) shall receive this payment.

2. Excluded hospitals. Psychiatric Hospitals shall not receive this payment.
3. Calculation methodology for payment.
 - a. Qualified hospitals will receive a DSH Payment calculated as the hospital's percentage of Uninsured Costs compared to total Uninsured Costs for all remaining qualified hospitals multiplied by the state's total annual Disproportionate Share Hospital allotment to not exceed the estimated Hospital-Specific Disproportionate Share Hospital Limit.
 - b. DSH Payments to a Respiratory Hospital shall be limited to 60% of its estimated Hospital-Specific Disproportionate Share Hospital Limit. DSH Payments to a hospital that opened within the last two state fiscal years shall be limited to 20% of its estimated Hospital-Specific Disproportionate Share Hospital Limit.

8.3004.E. UNCOMPENSATED CARE HOSPITAL SUPPLEMENTAL MEDICAID PAYMENT

1. Qualified hospitals. General Hospitals and Critical Access Hospitals shall receive this payment.
2. Excluded hospitals. Psychiatric Hospitals, Long Term Care Hospitals, and Rehabilitation Hospitals shall not receive this payment.
3. Calculation methodology for payment. For each qualified Essential Access Hospital, the annual payment equals the hospital's percentage of beds compared to total beds for all qualified Essential Access hospitals multiplied by fifteen million dollars (\$15,000,000). For each qualified non-Essential Access Hospital, the annual payment equals the hospital's percentage of Uninsured Costs compared to total Uninsured Costs for all qualified hospitals with greater than twenty-five beds multiplied by one hundred million four hundred eighty thousand one hundred seventy-six dollars (\$100,480,176).

8.3004.F. HOSPITAL QUALITY INCENTIVE PAYMENT

1. Qualified hospitals. Hospitals with an established Medicaid inpatient base rate and that meet the minimum criteria for one or more of the selected measures may qualify to receive this payment.
2. Excluded hospitals. Psychiatric Hospitals.
3. Measures. Quality incentive payment measures include five base measures and three optional measures. Hospitals can report data on up to five measures annually. Qualified hospitals must report all the base measures that apply to the hospital's services. If any base measure does not apply, a hospital may substitute an optional measure. Optional measures must be selected in the order listed.
 - a. The base measures for the quality incentive payment are:
 - i. Emergency department process measure, which includes communicating information about the Medicaid nurse advice line, primary care providers, and Regional Care Collaborative Organizations (RCCO) to Medicaid clients when they are seen in the emergency department and establishing emergency department policies or guidelines for prescribing opioids,
 - ii. Rate of Cesarean section deliveries for nulliparous women with a term, singleton baby in a vertex position,
 - iii. Rate of thirty (30) day all-cause hospital readmissions,

- iv. Percentage of patients who gave the hospital an overall rating of “9” or “10” on the Hospital Consumer Assessment of Healthcare Providers and Systems (HCAHPS) survey, and
 - v. Culture of safety.
- b. The optional measures for the quality incentive payment are:
- i. Active participation in the RCCO,
 - ii. Advance care planning, and
 - iii. Screening and intervention for tobacco use.
4. Calculation methodology for payment.
- a. Determine available points by hospital to a maximum of 10 points per measure.
 - i. Available points are defined as the number of measures for which a hospital qualifies multiplied by the number of points designated for the measure.
 - b. Determine the total points earned per measure by hospital based on scoring criteria established by the Department.
 - c. Normalize the total points awarded by dividing total points earned by total points eligible, multiplied by 50.
 - d. Calculate adjusted Medicaid discharges by hospital.
 - i. Adjusted Medicaid discharges are calculated by multiplying the number of Medicaid inpatient discharges by gross Medicaid billed charges divided by gross inpatient Medicaid billed charges.
 - ii. For hospitals with fewer than 200 annual Medicaid discharges, the total number of discharges is multiplied by 125% to arrive at the number of Medicaid discharges for use in this calculation, consistent with the Medicare prospective payment system calculation.
 - e. Calculate total adjusted discharge points
 - i. Adjusted discharge points are defined as the total number of points earned for all measures multiplied by the number of adjusted Medicaid discharges.
 - f. Determine the dollars per discharge point.
 - i. Dollars per discharge point are tiered such that hospitals with higher quality point scores receive higher points per discharge. The dollar amount per discharge point for five tiers of quality points between 1 and 50 are shown in the table below:

Tier	Hospital Quality Points Earned	Dollars per Discharge Point
1	1-10	\$5.95
2	11-20	\$8.93
3	21-30	\$11.90

4	31-40	\$14.88
5	41-50	\$17.85

- g. Calculate payment by hospital by multiplying the adjusted discharge points for that hospital by the dollars per discharge point.
5. The total funds for the quality incentive payment for the year ending September 30, 2017 is eighty-nine million six hundred sixty nine thousand five hundred two dollars (\$89,669,502).



COLORADO

Department of Health Care
Policy & Financing

Medical Services Board

JULY 2017 EMERGENCY JUSTIFICATION FOR MEDICAL ASSISTANCE RULES ADOPTED AT THE JULY 14, 2017 MEDICAL SERVICES BOARD MEETING

MSB 17-06-29-A Revision to the Medical Assistance Rule Concerning the Colorado Healthcare Affordability and Sustainability Enterprise, Sections 8.300.8, 8.905, 8.2000, and 8.3000

For the preservation of public health, safety and welfare (enter Justification below)

Effective July 1, 2017, the Colorado Healthcare Affordability and Sustainability Enterprise (CHASE) at § 25.5-4-402.4, C.R.S. establishes a healthcare affordability and sustainability fee to obtain federal financial participation to increase hospital reimbursement for care provided under Medicaid and the CICP. Fee revenue also serves as the state share to fund health coverage for more than 480,000 Coloradans currently enrolled in Medicaid and the CHP+. To comply with the new state law and to comply with the State Plan with the Centers for Medicare and Medicaid Services, the CHASE must establish rules on an emergency basis in order to assess fees on hospitals to ensure continuing health care coverage for these Medicaid and CHP+ members and to make required payments to hospitals. Senate Bill 17-267 also repealed the Hospital Provider Fee program effective July 1, 2017.



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Office of the Attorney General

Tracking number: 2017-00293

Opinion of the Attorney General rendered in connection with the rules adopted by the

Medical Services Board (Volume 8; Medical Assistance, Children's Health Plan)

on 07/14/2017

10 CCR 2505-10

MEDICAL ASSISTANCE - STATEMENT OF BASIS AND PURPOSE, AND RULE HISTORY

The above-referenced rules were submitted to this office on 07/14/2017 as required by section 24-4-103, C.R.S. This office has reviewed them and finds no apparent constitutional or legal deficiency in their form or substance.

July 31, 2017 11:34:10

Cynthia H. Coffman
Attorney General
by Frederick R. Yarger
Solicitor General

Terminated Rulemaking

Department

Department of Revenue

Agency

Division of Motor Vehicles

CCR number

1 CCR 204-10

Tracking number

2017-00178

Termination date

08/01/2017

Reason for termination

Will re-start the review process of the rule in order to accurately mirror language to related rules.

Nonrulemaking Public Notices and other Miscellaneous Rulemaking Notices

Filed on 08/22/2017

Department

Department of Health Care Policy and Financing

Agency

Medical Services Board (Volume 8; Medical Assistance, Children's Health Plan)



COLORADO

Department of Health Care
Policy & Financing

PUBLIC NOTICE

August 25, 2017

Medicaid State Plan Amendment – Rate Increases for Hospice Services

The Department intends to submit a State Plan Amendment, effective October 1, 2017, to increase Hospice provider rates in accordance with Centers for Medicare and Medicaid (CMS) guidelines. Hospice services are reimbursed in accordance with federal CMS guidelines based on the hospice wage index and are regionally adjusted for Routine Care and Continuous Home Care.

Additionally, effective October 1, 2016, Colorado Medicaid will implement the CMS 2% reduction in the Annual Payment Update for all hospices that have not submitted the required quality data for the current reporting period.

An updated fee schedule reflecting these rate changes will be posted on the Department's Website upon approval.

General Information

A link to this notice will be posted on the Department's web-site ([Communication | Colorado Department of Health Care Policy and Financing](#)) starting on August 25, 2017. Written comments may be addressed to:

Director, Health Programs Office
Department of Health Care Policy and Financing
1570 Grant Street
Denver, CO 80203.



Nonrulemaking Public Notices and other Miscellaneous Rulemaking Notices

Filed on 08/22/2017

Department

Department of Health Care Policy and Financing

Agency

Medical Services Board (Volume 8; Medical Assistance, Children's Health Plan)



COLORADO

Department of Health Care
Policy & Financing

PUBLIC NOTICE

August 25, 2017

Cost Sharing

The Department of Health Care Policy and Financing (Department) will submit a State Plan Amendment to the Centers for Medicare and Medicaid Services (CMS) that will limit cost sharing to 5% of aggregate household income, effective August 26, 2017. The 5% aggregate limit is calculated monthly. Households that reach the 5% aggregate limit are exempt from cost sharing for the remainder of that month. This update affects households eligible for cost sharing.

General Information

A link to this notice will be posted on the [Department's website](#) starting on August 25, 2017. Written comments may be addressed to:

Director, Health Programs Office
Colorado Department of Health Care Policy and Financing
1570 Grant Street
Denver, CO 80203

Our mission is to improve health care access and outcomes for the people we serve while demonstrating sound stewardship of financial resources.
www.colorado.gov/hcpf



Calendar of Hearings

Hearing Date/Time	Agency	Location
09/18/2017 10:30 AM	Division of Motor Vehicles	1881 Pierce Street, Lakewood CO 80214: Rm 110 (Board/Commission Meeting Room)
09/20/2017 03:30 PM	Division of Motor Vehicles	1881 Pierce Street, Lakewood CO 80214: Rm 110 (Board/Commission Meeting Room)
09/20/2017 09:00 AM	Division of Real Estate	1560 Broadway, Suite 110-D, Denver, CO 80202
12/11/2017 11:45 AM	Water Quality Control Commission (1002 Series)	Sabin Conference Room, CDPHE, 4300 Cherry Creek Drive South, Denver, CO 80246
12/12/2017 10:00 AM	Water Quality Control Commission (1002 Series)	Sabin Conference Room, CDPHE, 4300 Cherry Creek Drive South, Denver, CO 80246
12/11/2017 11:45 AM	Water Quality Control Commission (1002 Series)	Sabin Conference Room, CDPHE, 4300 Cherry Creek Drive South, Denver, CO 80246
12/11/2017 12:00 PM	Water Quality Control Commission (1002 Series)	Sabin Conference Room, CDPHE, 4300 Cherry Creek Drive South, Denver, CO 80246
12/11/2017 12:00 PM	Water Quality Control Commission (1002 Series)	Sabin Conference Room, CDPHE, 4300 Cherry Creek Drive South, Denver, CO 80246
12/12/2017 10:00 AM	Water Quality Control Commission (1002 Series)	Sabin Conference Room, CDPHE, 4300 Cherry Creek Drive South, Denver, CO 80246
12/11/2017 11:45 AM	Water Quality Control Commission (1002 Series)	Sabin Conference Room, CDPHE, 4300 Cherry Creek Drive South, Denver, CO 80246
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12/11/2017 11:45 AM	Water Quality Control Commission (1002 Series)	Sabin Conference Room, CDPHE, 4300 Cherry Creek Drive South, Denver, CO 80246
11/13/2017 09:00 AM	Water Quality Control Commission (1002 Series)	Sabin Conference Room, CDPHE, 4300 Cherry Creek Drive South, Denver, CO 80246
12/11/2017 02:00 PM	Water Quality Control Commission (1002 Series)	Sabin Conference Room, CDPHE, 4300 Cherry Creek Drive South, Denver, CO 80246