



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.wgcc@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

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			DM	MWAT			
UP	Agriculture Aq Life Cold 2 Recreation E	Temperature °C	CS-II	CS-II	Aluminum	acute	chronic
Qualifiers:			acute	chronic			
Other:		D.O. (mg/L)	---	6.0	Beryllium	---	---
Temporary Modification(s):		D.O. (spawning)	---	7.0	Cadmium	SSE*	TVS
Cadmium(chronic) = 1.6		pH	6.5 - 9.0	---	Chromium III	TVS	TVS
Zinc(acute) = 754		chlorophyll a (mg/m2)	---	150	Chromium III	---	100(T)
Zinc(chronic) = 505		E. Coli (per 100 mL)	---	126	Chromium VI	TVS	TVS
Expiration Date of 12/31/2018		Inorganic (mg/L)			Copper	TVS	TVS
temperature(DM) = No-acute standard 11/1 - 3/31			acute	chronic	Iron	---	1000(T)
temperature(MWAT) = -14 11/1 - 3/31		Ammonia	TVS	TVS	Lead	TVS	TVS
Expiration Date of 12/31/2017		Boron	---	0.75	Manganese	TVS	TVS
*Cadmium(acute) = (1.136672-		Chloride	---	---	Mercury	---	0.01(t)
[ln(hardness)*0.041838]*e^(0.9789*ln(hardness)-		Chlorine	0.019	0.011	Molybdenum	---	160(T)
3.5146)		Cyanide	---	---	Nickel	TVS	TVS
		Nitrate	100	---	Selenium	TVS	TVS
		Nitrite	---	0.05	Silver	TVS	TVS(tr)
		Phosphorus	---	0.11	Uranium	---	---
		Sulfate	---	---	Zinc	TVS	TVS
		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		
UP	Agriculture Aq Life Warm 1 Recreation E	Temperature °C	WS-II	WS-II	Aluminum	acute chronic
Qualifiers:			acute	chronic		
Other:		D.O. (mg/L)	---	5.0	Beryllium	--- ---
Temporary Modification(s):		pH	6.5 - 9.0	---	Cadmium	TVS TVS
Ammonia(ac/ch) = current conditions		chlorophyll a (mg/m2)	---	150	Chromium III	TVS TVS
Arsenic(ac/ch) = current conditions		E. Coli (per 100 mL)	---	126	Chromium III	--- 100(T)
Boron(chronic) = current conditions		Inorganic (mg/L)			Chromium VI	TVS TVS
Cadmium(ac/ch) = current conditions			acute	chronic	Copper	TVS TVS
Chlorine(ac/ch) = current conditions		Ammonia	TVS	TVS	Iron	--- 1000(T)
chlorophyll a (mg/m2)(chronic) = current conditions		Boron	---	0.75	Lead	TVS TVS
Chromium III(chronic) = current conditions		Chloride	---	---	Manganese	TVS TVS
Chromium III(ac/ch) = current conditions		Chlorine	0.019	0.011	Mercury	--- 0.01(t)
Chromium VI(ac/ch) = current conditions		Cyanide	0.005	---	Molybdenum	--- 160(T)
Copper(ac/ch) = current conditions		Nitrate	100	---	Nickel	TVS TVS
Cyanide(acute) = current conditions		Nitrite	---	0.05	Selenium	TVS TVS
D.O. (mg/L)(chronic) = current conditions		Phosphorus	---	0.17	Silver	TVS TVS
E. Coli (per 100 mL)(chronic) = current conditions		Sulfate	---	---	Uranium	--- ---
Iron(chronic) = current conditions		Sulfide	---	0.002	Zinc	TVS 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	0.02-10(T) ^A
	Water Supply	D.O. (mg/L)	---	5.0	Beryllium	---	---
Qualifiers:		pH	6.5 - 9.0	---	Cadmium	TVS	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	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	---	0.011	Manganese	---	WS
		Cyanide	0.005	---	Mercury	---	0.01(t)
		Nitrate	10	---	Molybdenum	---	160(T)
		Nitrite	---	0.05	Nickel	TVS	TVS
		Phosphorus	---	---	Selenium	173*	50*
		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.

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	Temperature °C	1/1 - 11/30	WS-II	WS-II	Aluminum	---	---
	Aq Life Warm 2	Temperature °C	12/1 - 12/31	21.5	20.7	Arsenic	340	0.02-10(T) ^A
	Recreation E					Beryllium	---	---
	Water Supply					Cadmium	TVS	TVS
Qualifiers:							acute	chronic
Other:		D.O. (mg/L)	---	5.0		Chromium III	50(T)	TVS
Temporary Modification(s):		pH	6.5 - 9.0	---		Chromium VI	TVS	TVS
Selenium(ac/ch) = existing quality		chlorophyll a (mg/m2)	---	---		Copper	TVS	TVS
Sulfate(chronic) = existing quality		E. Coli (per 100 mL)	---	126		Iron	---	WS
Expiration Date of 12/31/2018		Inorganic (mg/L)				Iron	---	2800(T)
							acute	chronic
		Ammonia	TVS	TVS		Lead	TVS	TVS
		Boron	---	0.75		Manganese	TVS	TVS
		Chloride	---	250		Manganese	---	WS
		Chlorine	0.019	0.011		Mercury	---	0.01(t)
		Cyanide	0.005	---		Molybdenum	---	160(T)
		Nitrate	10	---		Nickel	TVS	TVS
		Nitrite	---	0.5		Selenium	19.1	14.1
		Phosphorus	---	---		Silver	TVS	TVS
		Sulfate	---	329		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 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)

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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

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
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	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			DM	MWAT		
UP	Agriculture Aq Life Cold 1 Recreation E Water Supply	Temperature °C	CS-I	CS-I	Aluminum	---
			acute	chronic	Arsenic	340
		D.O. (mg/L)	---	6.0	Beryllium	---
Qualifiers:		D.O. (spawning)	---	7.0	Cadmium	4
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	---
		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	SSE*
		Sulfide	---	0.002		SSE*
*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) = $e^{(1.25 (\ln(\text{hard})+0.799))}$						
*Zinc(chronic) = $e^{(1.25 (\ln(\text{hard})+0.799))}$						

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			DM	MWAT		
Reviewable	Agriculture Aq Life Cold 1 Recreation E Water Supply	Temperature °C	CS-I	CS-I	Aluminum	---
			acute	chronic	Arsenic	340
		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	---
Molybdenum(chronic) = current conditions		Inorganic (mg/L)			Iron	---
Expiration Date of 12/31/2017			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	---
*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).						

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			DM	MWAT				
Reviewable		Temperature °C	4/1 - 12/31	CLL*	20.3* ^B	Aluminum	---	---
	Aq Life Cold 1	Temperature °C		CL,CLL	CL,CLL	Arsenic	340	0.02(T)
	Recreation E					Beryllium	---	---
	Water Supply							
	DUWS*							
Qualifiers:								
Other:								
Temporary Modification(s):		D.O. (mg/L)				Chromium III	50(T)	TVS
Arsenic(chronic) = hybrid		D.O. (spawning)				Chromium VI	TVS	TVS
Expiration Date of 12/31/2021		pH	6.5 - 9.0			Copper	TVS	TVS
*chlorophyll a (ug/L)(chronic) = applies only to lakes and reservoirs larger than 25 acres surface area.		chlorophyll a (ug/L)				Iron	---	WS
*Classification: DUWS Applies only to Leonard Thomas Res and Wildcat Res		E. Coli (per 100 mL)				Iron	---	1000(T)
*Phosphorus(chronic) = applies only to lakes and reservoirs larger than 25 acres surface area.						Lead	TVS	TVS
*Temperature(4/1 - 12/31) = Ruedi Res (MWAT=20.3)						Manganese	TVS	TVS
		Inorganic (mg/L)						
			acute	chronic				
		Ammonia	TVS	TVS		Manganese	---	WS
		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	---	0.025*		Zinc	TVS	TVS
		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 Recreation E Water Supply	Temperature °C	CS-I	CS-I	Aluminum	---	---	
		acute		chronic		Arsenic	340	0.02(T)
		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	
*chlorophyll a (mg/m2)(chronic) = applies only above the facilities listed at 33.5(4).		Inorganic (mg/L)			Iron	---	1000(T)	
*Phosphorus(chronic) = applies only above the facilities listed at 33.5(4).		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)	

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 Recreation E	Temperature °C	WS-II	WS-II	Aluminum	---	---	
		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	
*Iron(chronic) = See section 33.6(4) for iron assessment locations.					Copper	TVS	TVS	
Iron(chronic) = 2,090(T) ug/L for Middle Creek. See section 33.6(4) for iron assessment locations.		Inorganic (mg/L)			Iron	---	1000(T)	
TempMod: Selenium = for Foidel and Middle Creeks.		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	TVS	
		Nitrite	---	0.05	Silver	TVS	TVS(tr)	
		Phosphorus	---	0.11	Uranium	---	---	
		Sulfate	---	---	Zinc	TVS	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 Recreation E	Temperature °C	WS-II	WS-II	Aluminum	--- ---
		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)
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 Recreation N	Temperature °C	WS-II	WS-II	Aluminum	--- ---
		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 Recreation E	Temperature °C	WS-II	WS-II	Aluminum	--- ---
Qualifiers:		acute	chronic	Arsenic	340	7.6(T)
Other:		D.O. (mg/L)	---	5.0	Beryllium	--- ---
Temporary Modification(s): Selenium(chronic) = current conditions Expiration Date of 12/31/2018		pH	6.5 - 9.0	---	Cadmium	TVS(tr) TVS
		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 Recreation N	Temperature °C	WS-II	WS-II	Aluminum	--- ---
Qualifiers:		acute	chronic	Arsenic	340	100(T)
Other:		D.O. (mg/L)	---	5.0	Beryllium	--- ---
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 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			

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	---	---
Qualifiers:		D.O. (spawning)	---	7.0	Cadmium	varies*	varies*
Other:		pH	6.5 - 9.0	---	Chromium III	50(T)	TVS
Temporary Modification(s):		chlorophyll a (mg/m2)	---	---	Chromium VI	TVS	TVS
Ammonia(ac/ch) = current conditions		E. Coli (per 100 mL)	---	126	Copper	TVS	TVS
Cadmium(chronic) = current condition		Inorganic (mg/L)			Iron	---	WS
Lead(chronic) = current condition		acute	chronic	Iron	---	1000(T)	
Zinc(chronic) = current condition		Ammonia	TVS	TVS	Lead	TVS	varies*
Expiration Date of 12/31/2018		Boron	---	0.75	Manganese	TVS	varies*
Arsenic(chronic) = hybrid		Chloride	---	250	Mercury	---	0.01(T)
Expiration Date of 12/31/2021		Chlorine	0.019	0.011	Molybdenum	---	160(T)
*Cadmium(acute) = See 36.6(4) for site-specific standards and assessment locations.		Cyanide	0.005	---	Nickel	TVS	TVS
*Cadmium(chronic) = See 36.6(4) for site-specific standards and assessment locations.		Nitrate	10	---	Selenium	TVS	TVS
*Lead(chronic) = See 36.6(4) for site-specific standards and assessment locations.		Nitrite	---	0.05	Silver	TVS	TVS(tr)
*Manganese(chronic) = See 36.6(4) for site-specific standards and assessment locations.		Phosphorus	---	---	Uranium	---	---
Zinc(acute) = See 36.6(4) for site-specific standards and assessment locations.		Sulfate	---	WS	Zinc	varies	varies*
*Zinc(chronic) = See 36.6(4) for site-specific standards and assessment locations.		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		
UP	Aq Life Cold 2 Recreation E	Temperature °C	CS-II	CS-II	Aluminum	---
			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*		Inorganic (mg/L)			Copper	varies*
Lead(ac/ch) = varies*			acute	chronic	Iron	---
Silver(acute) = varies*		Ammonia	TVS	TVS	Lead	varies*
Zinc(ac/ch) = varies*		Boron	---	0.75	Manganese	varies*
Expiration Date of 12/31/2018		Chloride	---	---	Mercury	---
*chlorophyll a (mg/m2)(chronic) = applies only above the facilities listed at 36.5(4).		Chlorine	---	0.011	Molybdenum	---
*Phosphorus(chronic) = applies only above the facilities listed at 36.5(4).		Cyanide	0.005	---	Nickel	TVS
*Cadmium(acute) = See 36.6(4) for temporary modifications, site-specific standards and assessment locations.		Nitrate	100	---	Selenium	TVS
Cadmium(chronic) = See 36.6(4) for temporary modifications, site-specific standards and assessment locations.		Nitrite	---	10	Silver	varies
Copper(acute) = See 36.6(4) for temporary modifications, site-specific standards and assessment locations.		Phosphorus	---	0.11	Uranium	---
Copper(chronic) = See 36.6(4) for temporary modifications, site-specific standards and assessment locations.		Sulfate	---	---	Zinc	varies
Lead(acute) = See 36.6(4) for temporary modifications, site-specific standards and assessment locations.		Sulfide	---	0.002		varies
*Lead(chronic) = See 36.6(4) for temporary modifications, site-specific standards and assessment locations.						
*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		
UP	Aq Life Cold 2 Recreation N	Temperature °C	CS-II	CS-II	Aluminum	acute chronic
Qualifiers:			acute	chronic		
		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
Copper(ac/ch) = current conditions		E. Coli (per 100 mL)	---	630	Chromium III	--- 100(T)
Expiration Date of 12/31/2019		Inorganic (mg/L)			Chromium VI	TVS TVS
Iron(chronic) = current conditions			acute	chronic	Copper	TVS TVS
Expiration Date of 12/31/2018		Ammonia	TVS	TVS	Iron	--- 1000(T)
*Phosphorus(chronic) = applies only above the facilities listed at 37.5(4).		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	---	0.11*	Silver	TVS 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 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
	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)	---	150*	Chromium III	50(T)
Ammonia(ac/ch) = current condition*		E. Coli (per 100 mL)	---	126	Chromium VI	TVS
Expiration Date of 12/31/2017		Inorganic (mg/L)			Copper	TVS
Arsenic(chronic) = hybrid			acute	chronic	Iron	---
Expiration Date of 12/31/2021		Ammonia	TVS	TVS	Iron	---
*chlorophyll a (mg/m2)(chronic) = applies only above the facilities listed at 38.5(4).		Boron	---	0.75	Lead	TVS
*Phosphorus(chronic) = applies only above the facilities listed at 38.5(4).		Chloride	---	250	Lead	50(T)
*TempMod: Ammonia = below the Florissant Wastewater Treatment Facility outfall.		Chlorine	0.019	0.011	Manganese	TVS
		Chlorine	0.019	0.011	Manganese	---
		Cyanide	0.005	---	Mercury	---
		Nitrate	10	---	Mercury	---
		Nitrite	---	0.05	Molybdenum	---
		Phosphorus	---	0.11*	Nickel	TVS
		Sulfate	---	WS	Nickel	---
		Sulfide	---	0.002	Nickel	100(T)
					Selenium	TVS
					Selenium	TVS
					Silver	TVS
					Silver	TVS(tr)
					Uranium	---
					Uranium	---
					Zinc	TVS
					Zinc	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
	Water Supply	D.O. (mg/L)	---	5.0	Beryllium	---
Qualifiers:		pH	6.5 - 9.0	---	Cadmium	TVS
Other:		chlorophyll a (mg/m2)	---	150*	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
Copper(ac/ch) = current condition*		Ammonia	TVS	TVS	Iron	---
Expiration Date of 12/31/2018		Boron	---	0.75	Iron	---
Manganese(chronic) = current condition*		Chloride	---	250	Lead	TVS
Expiration Date of 6/30/2019		Chlorine	0.019	0.011	Lead	50(T)
temperature(DM/MWAT) = current condition* 12/1 - 2/29		Cyanide	0.005	---	Manganese	TVS
Expiration Date of 12/31/2020		Nitrate	10	---	Manganese	---
*chlorophyll a (mg/m2)(chronic) = applies only above the facilities listed at 38.5(4).		Nitrite	---	0.5	Mercury	---
Phosphorus(chronic) = applies only above the facilities listed at 38.5(4).		Phosphorus	---	0.17	Mercury	0.01(t)
*TempMod: Copper = East Plum Creek and Plum Creek below the PCWRA discharge.		Sulfate	---	WS	Molybdenum	---
*TempMod: Manganese = applies to the manganese WS standard.		Sulfide	---	0.002	Nickel	TVS
*TempMod: temperature(12/1 - 2/29) = East Plum Creek and Plum Creek below the PCWRA discharge.					Nickel	---
					Nickel	100(T)
					Selenium	TVS
					Selenium	TVS
					Silver	TVS
					Silver	TVS
					Uranium	---
					Uranium	---
					Zinc	TVS
					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 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
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
		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.

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	CS-I	CS-I	---	---	Aluminum
	Recreation E	acute	chronic	340	0.02(T)	Arsenic
	Water Supply	---	6.0	---	---	Beryllium
Qualifiers:		D.O. (mg/L)	---	6.0	---	---
Other:		D.O. (spawning)	---	7.0	---	---
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
		chlorophyll a (mg/m2)	---	---	50(T)	TVS
		E. Coli (per 100 mL)	---	126	---	TVS
		Copper	---	---	---	17
		Inorganic (mg/L)			---	WS
		acute	chronic	---	1000(T)	Iron
		Ammonia	TVS	TVS	---	TVS
		Boron	---	0.75	50(T)	---
		Chloride	---	250	TVS	TVS
		Chlorine	0.019	0.011	---	WS
		Cyanide	0.005	---	---	0.01(t)
		Nitrate	10	---	---	150(T)
		Nitrite	---	0.05	TVS	TVS
		Phosphorus	---	---	---	100(T)
		Sulfate	---	WS	TVS	TVS
		Sulfide	---	0.002	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	CS-I	CS-I	---	---	Aluminum
	Recreation E	acute	chronic	340	100(T)	Arsenic
Qualifiers:		D.O. (mg/L)	---	6.0	---	---
Other:		D.O. (spawning)	---	7.0	---	---
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).		pH	6.5 - 9.0	---	---	Cadmium
		chlorophyll a (mg/m2)	---	150*	---	TVS
		E. Coli (per 100 mL)	---	126	---	TVS
		Copper	---	---	---	64
		Inorganic (mg/L)			---	5400(T)
		acute	chronic	---	---	TVS
		Ammonia	TVS	TVS	---	TVS
		Boron	---	0.75	---	0.01(t)
		Chloride	---	---	---	150(T)
		Chlorine	0.019	0.011	TVS	TVS
		Cyanide	0.005	---	TVS	TVS
		Nitrate	100	---	TVS	TVS(tr)
		Nitrite	---	0.05	---	---
		Phosphorus	---	0.11*	---	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		DM	MWAT		acute	chronic	
UP	Agriculture Aq Life Warm 2 Recreation N Water Supply	Temperature °C	WS-II	WS-II	Aluminum	---	---
			acute	chronic	Arsenic	340	0.02-10(T)
		D.O. (mg/L)	---	5.0	Beryllium	---	---
		pH	6.5 - 9.0	---	Cadmium	TVS	TVS
		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		DM	MWAT		acute	chronic	
UP	Agriculture Aq Life Warm 2 Recreation E Water Supply	Temperature °C	WS-II	WS-II	Aluminum	---	---
			acute	chronic	Arsenic	340	0.02(T)
		D.O. (mg/L)	---	5.0	Beryllium	---	---
		pH	6.5 - 9.0	---	Cadmium	TVS	TVS
		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	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)	acute	chronic	Chromium VI	TVS
Expiration Date of 12/31/2021		Ammonia	TVS	TVS	Copper	TVS
temperature(DM/MWAT) = current condition		Boron	---	0.75	Iron	---
Expiration Date of 6/30/2019		Chloride	---	250	Iron	1000(T)
*Classification: Aquatic life warm 1 goal qualifier.		Chlorine	0.019	0.011	Lead	TVS
*Zinc(acute) = TVS x (times) the FWER (final water effect ratio).		Cyanide	0.005	---	Lead	50(T)
Expiration date of 12/31/20.		Nitrate	10	---	Manganese	TVS
*Zinc(chronic) = TVS x (times) the FWER (final water effect ratio).		Nitrite	---	0.5	Manganese	---
Expiration date of 12/31/20.		Phosphorus	---	---	Mercury	---
		Sulfate	---	WS	Molybdenum	---
		Sulfide	---	0.002	Nickel	TVS
					Nickel	---
					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 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:		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
		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:

- Yoast 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.

....

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 Recreation E	Temperature °C	WS-II WS-II			Aluminum	---	---		
Qualifiers:		acute	chronic			Arsenic	340	7.6(T)		
Other: 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.	D.O. (mg/L)	---	6.0			Beryllium	---	---		
	D.O. (spawning)	---	7.0			Cadmium	TVS(tr)	TVS		
	pH	6.5 - 9.0	---				Chromium III	TVS	TVS	
	chlorophyll a (mg/m ²)	---	150				Chromium III	---	100(T)	
	E. Coli (per 100 mL)	---	126				Chromium VI	TVS	TVS	
	Inorganic (mg/L)						Copper	TVS	TVS	
	acute	chronic					Iron	---	1000(T)*	
							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 Recreation E Water Supply 6/1 - 2/29	Temperature °C	CS-II CS-II			Aluminum	---	---		
Qualifiers:		acute	chronic			Arsenic	340	7.6(T)*		
Other: Temporary Modification(s): Arsenic(chronic) = hybrid 6/1 - 2/29 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	D.O. (mg/L)	---	6.0			Beryllium	---	---		
	D.O. (spawning)	---	7.0			Cadmium	TVS(tr)	TVS		
	pH	6.5 - 9.0	---				Chromium III	TVS*	TVS	
	chlorophyll a (mg/m ²)	---	150				Chromium III	---	100(T)	
	E. Coli (per 100 mL)	---	126				Chromium VI	TVS	TVS	
	Inorganic (mg/L)						Copper	TVS	TVS	
	acute	chronic					Iron	6/1 - 2/29	---	WS
							Iron	---	1000(T)	
	Ammonia	TVS	TVS				Lead	TVS	TVS	
	Boron	---	0.75				Manganese	TVS	TVS*	
	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			
UP	Aq Life Warm 2	WS-II	WS-II	acute	chronic	
	Recreation E					
Qualifiers:		acute	chronic			
Other:						
<p>Temporary Modification(s): Iron(chronic) = current condition 3/1 - 4/30 Expiration Date of 12/31/2018 Selenium(chronic) = current conditions Expiration Date of 12/31/2018</p> <p>*Iron(chronic) <u>7/1-2/29 = 1,000(T) ug/L.</u> See section 33.6(4) for iron assessment locations. *Iron(chronic) <u>3/1-6/30 = 1,000(T) ug/L on Dry Creek, Watering Trough Gulch, and 005 Gulch.</u> See section 33.6(4) for iron assessment locations. *Iron(chronic) <u>3/1-6/30 = 2750(T) ug/L on Hubberson Gulch.</u> See section 33.6(4) for iron assessment locations *Selenium(chronic) = <u>9.5 mg/kg dry weight whole body.</u> See section 33.6(4) for selenium assessment locations and fish-tissue assessment method.</p>						
		D.O. (mg/L)	---	5.0	Aluminum	---
		pH	6.5 - 9.0	---	Arsenic	340
		chlorophyll a (mg/m ²)	---	150	Beryllium	---
		E. Coli (per 100 mL)	---	126	Cadmium	TVS
		Inorganic (mg/L)			Chromium III	TVS
		acute	chronic	Chromium III	---	100(T)
		Ammonia	TVS	TVS	Chromium VI	TVS
		Boron	---	0.75	Copper	TVS
		Chloride	---	---	Iron	57 /1 - 2/29 --- 1140 1000(T)*
		Chlorine	0.019	0.011	Iron	3/1 - 46 /30 --- 3040 1000(T)*
		Cyanide	0.005	---	Iron	3 /1 - 6 /30 --- 2750 (T)*
		Nitrate	100	---	Lead	TVS
		Nitrite	---	0.05	Manganese	TVS
		Phosphorus	---	0.17	Mercury	---
		Sulfate	---	---	Molybdenum	---
		Sulfide	---	0.002	Nickel	TVS
					Selenium	TVS
					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			
UP	Aq Life Warm 2	WS-II	WS-II	acute	chronic	
	Recreation N					
Qualifiers:		acute	chronic			
Other:						
<p>Temporary Modification(s): Selenium(chronic) = current conditions Expiration Date of 12/31/2018</p> <p>*Iron(chronic) = 1,000(T) ug/L on Lower Sage Creek. See section 33.6(4) for iron assessment locations. *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. *Selenium(chronic) = <u>9.5 mg/kg dry weight whole body.</u> See section 33.6(4) for selenium assessment locations and fish-tissue assessment method.</p>						
		D.O. (mg/L)	---	5.0	Aluminum	---
		pH	6.5 - 9.0	---	Arsenic	340
		chlorophyll a (mg/m ²)	---	---	Beryllium	---
		E. Coli (per 100 mL)	---	630	Cadmium	TVS
		Inorganic (mg/L)			Chromium III	TVS
		acute	chronic	Chromium III	---	100(T)
		Ammonia	TVS	TVS	Chromium VI	TVS
		Boron	---	0.75	Copper	TVS
		Chloride	---	---	Iron	---
		Chlorine	0.019	0.011	Iron	---
		Cyanide	0.005	---	Lead	TVS
		Nitrate	100	---	Manganese	TVS
		Nitrite	---	0.05	Mercury	---
		Phosphorus	---	0.17	Molybdenum	---
		Sulfate	---	---	Nickel	TVS
		Sulfide	---	0.002	Selenium	TVS
					Silver	TVS
					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 0.02(T)
Qualifiers: Other: Temporary Modification(s): Arsenic(chronic) = hybrid Expiration Date of 12/31/2021	Water Supply	D.O. (mg/L)	---	6.0	Beryllium	--- ---
		D.O. (spawning)	---	7.0	Cadmium	TVS(tr) TVS
		pH	6.5 - 9.0	---	Chromium III	50(T) TVS
		chlorophyll a (mg/m ²)	---	150	Chromium VI	TVS TVS
		E. Coli (per 100 mL)	---	126	Copper	TVS TVS
		Inorganic (mg/L)			Iron	--- WS
		acute	chronic	Iron	--- 1000(T)	
		Ammonia	TVS	TVS	Lead	TVS TVS
		Boron	---	0.75	Manganese	TVS TVS
		Chloride	---	250	Manganese	--- WS
		Chlorine	0.019	0.011	Mercury	--- 0.01(t)
		Cyanide	0.005	---	Molybdenum	--- 160(T)
		Nitrate	10	---	Nickel	TVS TVS
		Nitrite	---	0.05	Selenium	TVS TVS
		Phosphorus	---	0.11	Silver	TVS TVS(tr)
	Sulfate	---	WS	Uranium	--- ---	
	Sulfide	---	0.002	Zinc	TVS 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: Other: Temporary Modification(s): Selenium(chronic) = current conditions Expiration Date of 12/31/2018 *Selenium(chronic) = 9.5 mg/kg dry weight whole body. See section 33.6(4) for selenium assessment locations and fish-tissue assessment method.		D.O. (mg/L)	---	5.0	Beryllium	--- ---
		pH	6.5 - 9.0	---	Cadmium	TVS(tr) TVS
		chlorophyll a (mg/m ²)	---	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 Tissue*
		Nitrite	---	0.05	Silver	TVS TVS(tr)
		Phosphorus	---	0.17	Uranium	--- ---
		Sulfate	---	---	Zinc	TVS 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 Recreation E	Temperature °C	WS-II	WS-II	Aluminum	---	---
Qualifiers:		acute	chronic	Arsenic	340	7.6(T)	
Other: *Iron(chronic) = See section 33.6(4) for iron assessment locations. *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.	D.O. (mg/L)	---	5.0	Beryllium	---	---	
	pH	6.5 - 9.0	---	Cadmium	TVS(T)	TVS	
	chlorophyll a (mg/m ²)	---	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	<u>TVSvaries*</u>	<u>TVSvaries*</u>	
	Nitrite	---	0.05	Silver	TVS	TVS(T)	
	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 Recreation N	Temperature °C	WS-II	WS-II	Aluminum	---	---
Qualifiers:		acute	chronic	Arsenic	340	100(T)	
Other: Temporary Modification(s): Iron(chronic) = current conditions* Expiration Date of 12/31/2018 Selenium(chronic) = current conditions Expiration Date of 12/31/2018 *Iron(chronic), 7/1-2/29 = 1000(T) ug/L. See section 33.6(4) for iron assessment locations. *Iron(chronic), 3/1-6/30 = 1410(T) ug/L on Grassy Creek. See section 33.6(4) for iron assessment locations. *Iron(chronic), 3/1-6/30 = 2000(T) ug/L on Little Grassy Creek. See section 33.6(4) for iron assessment locations. *Selenium(chronic) = 9.5 mg/kg dry weight whole body. See section 33.6(4) for selenium assessment locations and fish-tissue assessment method. *TempMod: Iron = for Grassy Creek.	D.O. (mg/L)	---	5.0	Beryllium	---	---	
	pH	6.5 - 9.0	---	Cadmium	TVS	TVS	
	chlorophyll a (mg/m ²)	---	---	Chromium III	TVS	TVS	
	E. Coli (per 100 mL)	---	630	Chromium VI	TVS	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>	<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	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	<u>TVSTissue*</u>	
	Sulfate	---	---	Silver	TVS	TVS	
Sulfide	---	0.002	Uranium	---	---		
			Zinc	TVS	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		DM	MWAT		acute	chronic
UP	Agriculture					
	Aq Life Warm 2	WS-II	WS-II	Aluminum	---	---
	Recreation N	acute	chronic	Arsenic	340	100(T)
Qualifiers:				Beryllium	---	---
Other:				Cadmium	TVS	TVS
	D.O. (mg/L)	---	5.0	Chromium III	TVS	TVS
	pH	6.5 - 9.0	---	Chromium VI	TVS	TVS
	chlorophyll a (mg/m ²)	---	---	Copper	TVS	TVS
	E. Coli (per 100 mL)	---	630	Iron	---	1000(T)
		Inorganic (mg/L)		Lead	TVS	TVS
		acute	chronic	Manganese	TVS	TVS
	Ammonia	TVS	TVS	Mercury	---	0.01(t)
	Boron	---	0.75	Molybdenum	---	160(T)
	Chloride	---	---	Nickel	TVS	TVS
	Chlorine	0.019	0.011	Selenium	3/1 - 6/30 TVSvaries*	TVSvaries*
	Cyanide	0.005	---	Silver	TVS	TVS
	Nitrate	100	---	Uranium	---	---
	Nitrite	---	0.05	Zinc	TVS	TVS
	Phosphorus	---	0.17			
	Sulfate	---	---			
	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		DM	MWAT		acute	chronic	
UP	Agriculture						
	Aq Life Cold 2	CS-II	CS-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/m ²)	---	---	Chromium III	TVS	TVS	
Copper(ac/ch) = current conditions	E. Coli (per 100 mL)	---	630	Chromium III	---	100(T)	
Expiration Date of 12/31/2019		Inorganic (mg/L)			Chromium VI	TVS	TVS
Iron(chronic) = current conditions		acute	chronic	Copper	TVS	TVS	
Expiration Date of 12/31/2018	Ammonia	TVS	TVS	Iron	---	1000 5900(T)*	
Iron(chronic) = See section 37.6(4) for iron assessment locations.	Boron	---	0.75	Iron	---	3500 3500(T)	
*Iron(chronic) = 3500 (T) ug/l on Unnamed Tributary. See section 37.6(4) for iron assessment locations.	Chloride	---	---	Lead	TVS	TVS	
*Phosphorus(chronic) = applies only above the facilities listed at 37.5(4).	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	---	0.11*	Selenium	TVS	TVS	
	Sulfate	---	---	Silver	TVS	TVS	
	Sulfide	---	0.002	Uranium	---	---	
				Zinc	TVS	TVS	