



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 hardness-based table value standards for Aquatic Life use based on the U.S. EPA's "Aquatic Life Ambient Water Quality Criteria - 2016" and toxicity data that have become available since EPA's recommended criteria were released in 2016; and revisions to address certain typographical errors to provide clarity in the following regulations:

- The Basic Standards and Methodologies for Surface Water, Regulation #31 (5 CCR 1002-31);
- Classifications and Numeric Standards for Arkansas River Basin, Regulation #32 (5 CCR 1002-32);
- Classifications and Numeric Standards for Upper Colorado River Basin and North Platte River, Regulation #33 (5 CCR 1002-33);
- Classifications and Numeric Standards for San Juan River and Dolores River Basins, Regulation #34 (5 CCR 1002-34);
- Classifications and Numeric Standards for Gunnison and Lower Dolores River Basins, Regulation #35 (5 CCR 1002-35);
- Classifications and Numeric Standards for Rio Grande Basin, Regulation #36 (5 CCR 1002-36);
- Classifications and Numeric Standards for Lower Colorado River Basin, Regulation #37 (5 CCR 1002-37); and
- Classifications and Numeric Standards for South Platte River Basin, Laramie River Basin, Republican River Basin, Smoky Hill River Basin, Regulation #38 (5 CCR 1002-38).

Revisions proposed by the Water Quality Control Division, along with a proposed Statement of Basis, Specific Statutory Authority and Purpose, are attached to this notice as:

- Exhibit 1 - Regulation #31
- Exhibit 2 - Regulation #32
- Exhibit 3 - Regulation #33,
- Exhibit 4 - Regulation #34,
- Exhibit 5 - Regulation #35,
- Exhibit 6 - Regulation #36,
- Exhibit 7 - Regulation #37,
- Exhibit 8 - Regulation #38,

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

SCHEDULE OF IMPORTANT DATES

Proponent's prehearing statement due	9/18/2019 5:00 pm	Additional information below.
Party status requests due	10/2/2019 5:00 pm	Additional information below.
Responsive prehearing statements due	10/16/2019 5:00 pm	Additional information below.
Rebuttal statements due	11/20/2019 5:00 pm	Additional information below.
Last date for submittal of motions	11/22/2019 by noon	Additional information below.
Notify commission office if participating in prehearing conference by phone	11/22/2019 by noon	Send email to cdphe.wgcc@state.co.us with participant(s) name(s)
Prehearing Conference (mandatory for parties)	11/25/2019 2:15 pm	Carson Conference Room Department of Public Health and Environment 4300 Cherry Creek Drive South Denver, CO 80246 Google Hangout: +1 475-441-4506 PIN: 479 724#
Rulemaking Hearing	12/9/2019 12:00 pm	Sabin Cleere Conference Room Department of Public Health and Environment 4300 Cherry Creek Drive South Denver, CO 80246

HEARING SUBMITTALS:

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

PARTY STATUS:

Party status requests must be in writing and must provide:

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

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

PREHEARING AND REBUTTAL STATEMENTS:

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

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

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

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

PREHEARING CONFERENCE:

Attendance at the prehearing conference is mandatory for all persons requesting party status. Parties needing to participate by telephone are encouraged to notify the commission office prior to the prehearing conference. Remote participants can call +1 475-441-4506 and enter the PIN 479 724#.

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

PUBLIC PARTICIPATION ENCOURAGED:

The commission encourages input from non-parties, either orally at the hearing or in writing prior to the hearing. Written submissions should be emailed to cdphe.wqcc@state.co.us by November 26, 2019.

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 12th day of August, 2019 in Denver, Colorado.

WATER QUALITY CONTROL COMMISSION

A handwritten signature in black ink, appearing to read "Trisha Oeth", written in a cursive style.

Trisha Oeth, Administrator



COLORADO

**Water Quality
Control Commission**

Department of Public Health & Environment

PLEASE NOTE

All exhibits to this Notice are available for review with the filing for Regulation #31, Tracking Number 2019-00393, included in this issue of the Colorado Register.