



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 adoption of:

- Revised water quality classifications, standards and designations 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 (Planning Region 12), Regulation #33 (5 CCR 1002-33);
 - Rio Grande Basin, Regulation #36 (5 CCR 1002-36); and
 - Lower Colorado River Basin #37 (5 CCR 1002-37).
- Revisions to current temporary modifications of water quality standards for multiple segments in the Classifications and Numeric Standards for:
 - Gunnison and Lower Dolores River Basins, Regulation #35 (5 CCR 1002-35);
 - South Platte, Laramie, Republican, Smoky Hill River Basins, Regulation #38 (5 CCR 1002-38); and
 - Arsenic temporary modifications for Regulations #32-#38 (5 CCR 1002-32 through 5 CCR 1002-38).
- Revisions to current discharger-specific variances (DSVs) in the Classifications and Numeric Standards for:
 - Upper Colorado River Basin and North Platte River (Planning Region 12), Regulation #33 (5 CCR 1002-33);
 - San Juan River and Dolores River Basins, Regulation #34 (5 CCR 1002-34); and
 - Rio Grande Basin, Regulation #36 (5 CCR 1002-36).

The commission will also consider in the scope of this hearing any updates regarding progress and data related to discharger-specific variances (DSVs), site-specific standards and associated longevity plans, and temporary modifications and the associated plans to resolve uncertainty for segments. The commission may consider modifications to or deletion of the DSVs, site-specific standards, or temporary modifications on these segments depending on the information provided. If any party believes that a modification or deletion may be appropriate, the party should address the basis for those concerns in its responsive prehearing statement.

Proposed revisions and proposed statement of basis and purpose language have been submitted by the following:

- Exhibit 1 - Water Quality Control Division;
- Exhibit 2 - Colorado Parks and Wildlife;



- Exhibit 3 - The City of Steamboat Springs;
- Exhibit 4 - Colorado River Basin Outstanding Waters Coalition;
- Exhibit 5 - Town of Dove Creek;
- Exhibit 6 - Durango West Metro District #2.

In these attachments, proposed new language is shown with 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	3/6/2024	Additional information below.
Party Status requests due	3/20/2024	Additional information below.
Responsive prehearing statements due	4/3/2024	Additional information below.
Rebuttal statements due	5/1/2024	Additional information below.
Last date for submittal of motions	5/8/2024	Additional information below.
Prehearing Conference (mandatory for parties)	5/14/2024 1:00 pm	Remote Via Zoom Additional Information below.
Negotiations cutoff	5/22/2024	N/A
Consolidated Proposal	5/30/2024	N/A
Rulemaking Hearing	6/10/2024 9:00 am	Pueblo Convention Center 320 Central Main Street Pueblo, Colorado 81003 Or Remote Via Zoom

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, or otherwise conveyed to the commission office 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. Following the deadline to request party status, a Zoom link to attend the prehearing conference will be provided to all those who request party status.

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 June 5, 2024.

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 February 2024 at Denver, Colorado.

WATER QUALITY CONTROL COMMISSION

A handwritten signature in blue ink, appearing to read 'Jojo La', is positioned above a horizontal line.

Jojo La, Administrator

Please Note:

All exhibits to this Notice are available for review with the filing for Regulation #32, Arkansas River Basin (5 CCR 1002-32) Tracking Number 2024-00097, included in this issue of the Colorado Register.